

QUESTION 1 ISSUES

APPLE

Can Apple raise the constitutionality of the law as a defense to the charge he's facing in state court? Does Apple have access to federal court to seek an injunction or a declaratory judgment? - 10

BANANA

Is Banana charged with civil or criminal contempt for violating the order? Who prosecutes this hearing? What protections does Banana receive? - 15

Can Banana raise the constitutionality of the order, or the statute it is based on, as a defense? Can he raise defects in the order as a defense? What defect would he challenge? If Banana was a non-party to the TRO, under what theory can he be held in contempt? - 20

CHERRY

Can Cherry go to federal court and seek a declaratory judgment against the city that the ordinance violates the Constitution? What would Cherry need to prove? What evidence is there that this would be a case or controversy that the federal court can hear? What does a declaratory judgment do? - 20

Can Cherry seek an injunction against the city prohibiting enforcement of the ordinance because it is unconstitutional? What factors would Cherry have to establish to prevail? - 25

QUESTION 2 ISSUES

BREACH OF CONTRACT

What damages would Betty be entitled to for breach of contract? Can Sally be held liable for Betty's rent? - 10

What is rescission? Will Betty seek to rescind the contract? If she did, what would she receive? - 5

TORT DAMAGES

If Sally fraudulently induced Betty to sign the contract, what damages is Betty entitled to? Is Betty entitled to her rent payments under tort? - 10

What is the collateral source rule? Is Sally is entitled to off-set any of the tort damages due to Betty's insurance. - 5

Is Betty entitled to any punitive damages due to the fraud? What factors would Betty have to establish? - 15

RESTITUTION

What damages would Betty receive under an unjust enrichment theory? - 10

CONSTRUCTIVE TRUST

What is a constructive trust? Can Betty seek a constructive trust on Sally's townhouse? If so, would Betty also receive the townhouse's appreciation?
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Would Betty would also be entitled to a constructive trust for the remaining \$250K that Sally invested in her bank account? What is the lowest balance rule? How much of the commingled funds can Betty claim? - 10

DEFENSES

What is the unclean hands defense? Can Sally avoid her liability to Sally by asserting unclean hands as a defense? - 10

QUESTION 3 ISSUES

PAST MEDICAL COSTS

Is Truck Co. responsible for the \$100K medical bill? Does the collateral source rule prevent Truck Co. from getting an off-set from the donations?
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FUTURE MEDICAL EXPENSES

Is Truck Co. liable for Paula's future medical expenses? How is this sum ascertained? Is the amount reduced by present value? What is present value? - 15

NON-ECONOMIC DAMAGES

Is Paula entitled to any damages for her mental pain? Can Paula receive financial compensation for her physical pain and suffering? Who decides the amount? Can the damage award be limited by statute? - 15

LOST WAGES

Is Truck Co. liable for Paula's past and future lost wages? Do future lost wages get reduced to present value? Does Paula have a duty to accept Legal Aid's offer of part-time work? Does Truck Co. get to reduce their liability by Paula's part-time employment? - 15

PUNITIVE DAMAGES

What does Paula need to show in order to obtain a punitive damage award? What limitations are imposed on this award? - 15

STATUTE OF LIMITATIONS

What is the Statute of Limitations? Would it bar the suit? Can Paula claim that equitable estoppel prevents Truck Co. from raising this defense? - 20