

**QUESTION ONE – 1 HOUR**

East College (“EC”) and West University (“WU”) were intense rivals. Their baseball teams played on April 1<sup>st</sup> at EC and during the game, two EC students beat up a WU student in the stands. On April 8<sup>th</sup> the two teams played again, this time at the WU on campus baseball field. During the game, an EC student walked over to the cluster of portable bathrooms to relieve himself. Two WU students, Don and Dan, seeking revenge, followed the EC student, but mistook which portable bathroom he entered. Don and Dan approached the wrong portable bathroom and held the bathroom door closed so its occupant, Patel, banging on the door angrily, couldn’t get out. Then they overturned it, causing human waste to spill all over Patel, a WU student who was coincidentally a friend of Don and Dan. Patel emerged enraged from the overturned portable bathroom and attacked Don and Dan as they both backed up with their hands rose in self defense and yelled truthfully, “Patel, we didn’t know it was you!” As Patel took four minutes to beat up both of them, the lone WU security guard on campus watched but was afraid to intervene.

What causes of action does Patel have against Don and Dan, and WU, and what are their defenses, if any? Discuss.

What causes of action do Don and Dan have against Patel and WU, and what are Patel’s and WU’s defenses, if any? Discuss.

**QUESTION TWO – 1 HOUR**

Dave was texting while driving in violation of the state statute prohibiting same. Distracted, he rear-ended Peter, who was driving a convertible with a cardboard box full of rattlesnakes on the back seat. The impact of the collision caused no damage to the convertible because of its strong rubber bumper, but did cause the box to open and eject a snake which flew forward, landed on and bit the back of Peter's right arm. (Peter suffered no other injury as a result of the collision.) The other snakes slithered out and were on the car's floorboard. When Dave approached Peter's car, he looked in the back and saw, to his surprise that the box containing the rattlesnakes which had been stolen from his back yard was now in the back seat of the convertible he'd just rear-ended. "What are the odds?" he said to himself. Peter had innocently purchased the box of snakes off of Criag's List to skewer them at his "Texas BBQ" party. "You stole my snakes," Dave hissed to Peter. "Help, I've been bitten," Peter replied. In response Dave said: "Here is a card with my identifying information on it. I have to leave, but you're going to hear from my lawyer about the snake theft. Please give me your identifying information right now." Peter was in too much pain to respond so Dave left the scene because he was late for an appointment. An hour later a passerby helped Peter; but because Peter did not receive medical attention fast enough his arm had to be amputated. Peter was so upset about losing his arm that for several months after his surgery Peter snuck onto Dave's property and waved a bloody dummy arm against Dave's bedroom window, freaking Dave out.

What are Peter's causes of action against Dave and what are Dave's defenses, if any?  
Discuss

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