Therefore, Happy Frocks likely has an equitable defense against B&B because B&B pursued an unreasonable delay in pursuing a legal remedy and, in some ways, acquiescence in the infringement due to its delay.

5. Because the fake buttons used by Happy Frocks did not contain any materials that would harm public safety and awarding profits would likely not deter other infringements in any way, there is likely no public interest that would be served by awarding profits here.

In this case, a Happy Frocks manufacturer used counterfeit buttons made with cheap plastic and infringed on the B&B trademark by using it on buttons that were not made by B&B. While the quality of materials used by the manufacturer it not up to standard for B&B buttons, no evidence in the record suggests that the plastic used would be harmful to the public in any way. Similarly, an award of profits would likely not deter other infringements any more than the other available remedies to B&B would.

Therefore, because the fake buttons used by Happy Frocks would likely not harm the public and awarding profits would likely not deter other infringements in an additional way, there is likely no public interest that would be served by awarding profits here.

Conclusion

Therefore, all five factors considered by the court in deciding if profits should be awarded, balanced together, determine that the court should not award profits to B&B in this case.

[While it was not meant to be discussed in this brief, both Happy Frocks and B&B likely have claims against the malfeasant manufacturer in this case, but that is another discussion entirely.]

MEE 1
Representative Good Answer No. 1

1. The issue is whether Joan's will is valid under the insane-delusion rule.

Under the insane-delusion rule, a testator's will may be invalidated by a court if it is determined that the testator, at the time of the will's execution, was debilitated by a mental disease which significantly affected their ability to reason, or if the testator was suffering from a delusion that affected their capacity to determine reality from fiction.

Applied here, it is clear that Joan suffered from a delusion as a side effect from the drug she was taking that made her believe her male descendants were cursed by Martians. However, weighing all factors in the fact pattern, a court is unlikely to find that this delusion had such an effect on Joan as to invalidate her will. Her male descendants were all criminals with extensive criminal histories. It does not matter than Joan thinks they were cursed by Martians; they son and grandsons are in fact criminals. When Joan told her lawyer she wanted to leave out her male descendants, she made no mention of the Martian theory and instead gave a valid reason to exclude them; their criminal histories. Further, Joan lied to her friends about her assets but that does not rise to the level of incapacity; people lie to impress their friends all the time. The facts are clear that Joan monitored her bank account, her only asset, closely and reconciled all of her bank activity every month. Finally, Joan was not insane; her delusion was brought on by the medication, which she could have stopped at any time, and it apparently had no other ill effects on her life.

When all factors are taken into account, the insane-delusion rule does not invalidate Joan’s will.

2. The issue is whether the facts provide a basis for Joan's will to be invalidated due to a lack of mental capacity.

Under the Uniform Probate Code, a testator is deemed to have capacity if they understand they are signing a will, they understand the extent and nature of their estate, they know their natural family members, and they understand the dispositions they are making in their will. Another widely accepted requirement is the testator being 18 years or older.

Applied here, it is unlikely that a court would deem Joan to lack testamentary capacity. She clearly understood she was signing a will as she went to her attorney to have a will drafted; the facts indicate she did this under her own volition. Joan clearly understands the extent of her estate; she only had one asset, the bank account, and she checked it regularly and reconciled it every month. Joan certainly seems to know the extent of her natural bounty as she specifically excluded her male descendants from the will and left everything to her daughter. Finally, Joan was clearly 18 and understood the dispositions she made in her will as, again, she specifically excluded her male descendants because of their criminal history.

Because Joan meets all the requirements of testamentary capacity, she had capacity to sign the will.

3. The issue is who has standing to challenge the validity of Joan's will.

As a general rule, only beneficiaries have standing to receive under a will. Normally, the beneficiaries of a will are the lineal descendants of the testator, but this is not always the case. A beneficiary who might otherwise receive an estate distribution under a previous testamentary document or under intestacy laws has standing to contest the validity of the will, but the burden is always on the challenger. Remainder beneficiaries, those who stand "next in line" to inherit do not have standing if their beneficiary interest has not vested. Absent very few exceptions, a validly executed will by a testator with capacity will not be invalidated.

Applied here, only Joan's son would have capacity to challenge the will. Joan's daughter has no reason to contest the will as she is the sole beneficiary, and her granddaughter does not have standing to contest the will as she is still currently a remainder beneficiary behind her mother. The grandsons also do not yet have standing as they are remainder beneficiaries behind their father. The father is the only one who could contest the will currently. Although his mother has specifically, and validly, excluded him from the will, he has standing to challenge the validity of Joan’s will as otherwise he would inherit half of Joan's estate under the intestacy laws of most states.

For the foregoing reasons, only Joan's son currently has standing to contest the validity of Joan's will.

Representative Good Answer No. 2

1. Under the insane-delusion rule, the testator must be delusional at the time of creating the will, that a person reasonably would not have created such a will had she not have such delusion.

Joan started taking the medication 3 years ago, she was consistently taking the pills since it was the only medication available to control her medical condition. Her will was executed one year ago, while she is still taking the medication. Facts are clear that Joan had difficulties with the drug and began to experience frequent hallucinations leading to the delusion that the male line of their family was “cursed by Martians.” When later she went to her lawyer to draft her will, however, she told the lawyer that sh wanted to leave all her property to her daughter and nothing to her male line, not because the male line was “cursed” but because giving her property to the male line would be “a complete waste on burglars and thieves.” It is true that her three grandsons had extensive criminal records for theft and burglary. Look at these facts together, Joan shows clear intention to leave her property not to the males of her family for a legit reason, which did not show that she made her decision due to her hallucination. However, since Joan was not close to her kids and grandkids, and it is unclear whether Joan knows that her son and grandsons have the said criminal records, Joan’s statement to her lawyer about “complete waste on burglars and thieves” could come from her delusion, which may affect

her decision on whom to leave all her property to. But the facts overall lean towards that Joan was not delusional at the time creating the will as she was able to provide a good reason for not leaving anything to the males in her line. Thus, Joan's will is likely valid under the insane- delusion rule.

2. A testator need to have capacity in order to create a valid will, that she understands the nature of the will (understanding that she is creating a will that will dispose her property when she dies); she knows the nature, quality, and extent of her property; the persons who are natural objects of her bounty; her plan, i.e., how she is going to dispose her property to each person.

Here, Joan went to her attorney to draft her will. With an attorney, it is more likely that Joan, even if initially not understand much about will, will be advised as to the nature of a will, what is a will and what does it do. So, Joan likely understands the nature of her will especially with the help from her attorney.

Although Joan is not close to her kids or grandkids and rarely saw them, she did regularly send them birthday cards and inexpensive presents. Nothing in the facts suggests that Joan does not know who the natural objects of her bounty are. Thus, this element is satisfied.

Also, the fact is clear that Joan is leaving all her estate to her daughter because leaving anything to her male descendants would be a wasted. Joan thus knows how she was distributing her assets/property.

However, Joan does not look like she knows the nature, quality, and extent of her property. For the last five years, consistently, she said she was a multimillionaire and owed luxury home and a very expensive car but in fact she never owned such properties. She lived in a modest apartment, and her primary source of income was her social security benefits. When die died, she owned no significant assets other than her bank account. Therefore, Joan has no idea of what she owns, and this element under capacity is not met. Joan thus lacks general capacity to execute a will.

3. All Joan's son and grandsons, and her granddaughter would have standing to contest Joan's will. They could claim that Joan lacks the general capacity to create the will, that Joan could not have the intent to create the will without understanding her assets and property. If the son and grandsons can produce evidence that Joan in fact had no knowledge of their criminal records, they could try to prove that Joan was delusional at the time of executing the will since her statement to her attorney about "complete waste on burglars and thieves" would not make sense and Joan was more likely to be delusional thinking that the kids were cursed.

MEE 2

Representative Good Answer No. 1

1. The issue is whether the officers' entry into the house would result in the exclusion of evidence because the search violated the 4th amendment right to privacy.

Under the 4th amendment, police officers must have a warrant to search areas where an individual has a reasonable expectation of privacy. An individual in their own home has an expectation of privacy, but there are certain circumstances where the police may still seize what is within the home. A visitor to a home who is not an overnight guest and in a space where an overnight guest would expect privacy, is not subject to privacy in another individual's home.

To effectuate a warrant, the warrant must be valid. Valid warrants may specify that a no-knock entry is authorized if there is knocking and announcing would not be reasonable. A knock and announce warrant may

not be reasonable if there is an exigent circumstance, or it would leave the individuals inside the home with enough time to destroy the evidence or get rid of it. However, if the warrant does not specify that it is not a knock and announce warrant, a warrant will not become invalid for failure to knock and announce.

Here, the homeowner has a reasonable expectation of privacy within his home. Since the homeowner has a reasonable expectation of privacy within his home, the police may only look for items specified in the warrant, which would be the counterfeit $100 bills. To violate one's expectation of privacy in their own home outside of the item(s) identified in the warrant with particularity, police may only seize items that meet the exception of the warrant requirement. For example, there must be an exigent circumstance, consent, plain view or smell, an emergency, or a stop and frisk. Provided that one of the exceptions is met, the homeowner can suppress evidence seized.

Driver did not have a reasonable expectation of privacy in the home because Driver was not a resident of the home or an overnight guest. Driver was at the home only to deliver the pizza and stepped inside of the house only because the homeowner allowed driver to, while homeowner retrieved his wallet. Since driver did not have a reasonable expectation of privacy in the home, the officers' entry into the house should not result in the exclusion of evidence seized from driver for this reason.

The fact that the police officers did not knock and announce their entry into the home will not make the warrant invalid and automatically result in the exclusion of evidence unless the officers violated a constitutional right in the home while searching for evidence. therefore, the entry likely will not result in the exclusion of evidence.

2.

a. The issue is whether the marijuana from the driver will be excluded from evidence despite the stop and frisk.

An officer may stop and frisk an individual if the officer has reasonable, articulable suspicion that the individual is carrying a weapon and may use that weapon to harm officers or anyone else in the vicinity. When the officer is patting down an individual, the officer must be able to identify the item in the pocket, particularly as a weapon, before the officer can retrieve the item.

Officer was permitted to stop and frisk driver because Officer reasonably believed that Driver had a handgun. Officer saw what was believed to be a gun in the back pocket of drivers pants and was concerned for her safety if Driver had access to a handgun. In patting down Driver, officer could not determine what was in Driver's pocket. "[T]he officer discovered that the lump was not a weapon but a soft object. She could not determine what the object was by patting the outside of Driver's pants." Since the officer was able to determine that Driver was not carrying a gun and could not reasonably identify what was in Driver's pockets, the marijuana (item in driver's pocket) should be suppressed due to an illegal seizure.

b. The issue is whether the seizure of computer from Homeowner should be suppressed if the serial number was in plain view.

If an item is out in plain view, or in the public, there is no reasonable expectation of privacy. Since there is no reasonable expectation of privacy for items in plain view, if it is incriminating, officers may seize it.

While officers were in homeowner's home to search for counterfeit bills, Officer saw a computer out in the open on desktop computer. On that computer, the Officer was able to see the serial number on top of the computer. After searching through a law-enforcement app, the officer discovered that the computer was stolen

equipment. Since the computer, and more importantly the serial number were out in the open on Homeowner's kitchen counter, homeowner did not have a reasonable expectation of privacy under the plain view exception. Since the plain view exception applies, officer's seizure of the computer form homeowner should not be suppressed.

c. The issue is whether the seizure of narcotics from Homeowner should be suppressed since no exception to the warrant requirement applies.

For officers to seize items not identified in a warrant, an exception to the warrant requirement must apply. If an exception to the warrant requirement does not apply and an officer would not have otherwise discovered the incriminating evidence under the attenuation doctrine, then the item should be suppressed.

The narcotics in homeowner's house should be suppressed because officer's went to homeowner's home to effectuate a warrant for counterfeit $100 bills. The narcotics recovered were not identified in the warrant, as it is not $100 bills, and no warrant exception applies. Although the pills were in plain view, the plain view exception does not apply because the officers could not reasonably identify what the pills were. The pills were sent to a lab to determine what they were. Because officers would not have otherwise recovered the pills under the attenuation doctrine and there is no exception to the warrant requirement, the narcotics should be suppressed.

Representative Good Answer No. 2

No knock entry should not exclude evidence.

When executing a search warrant, officers must knock and identify themselves unless the warrant explicitly states that it is not required. However, failure to knock does not make the evidence obtained inadmissible. If the officers execute a warrant imperfectly or even if a warrant has error this does not necessary require the exclusion of the evidence obtained in the warrant. Any mistakes must rise to the violation of the fourth amendment in order to require exclusion of evidence obtained. In this case the officers executed an otherwise valid search warrant and so the evidence obtained should not be excluded based of the no knock entry.

Seizure of the marijuana should be excluded

An officer may conduct a pat down to search for weapons if the officer has reasonable suspicion that the suspect may be armed. Reasonable suspicion may arise from visual observation, suspect actions and location. Here in this case the Officer seen a "lump" in the drivers back pocket. Additionally, the officers were executing a lawful search warrant when the driver was present in the home. Taken as a whole the officer likely had reasonable suspicion to conduct a pat down of the driver. However, once the officer patted the "lump" the officer noticed it was a "soft object" and not a gun. Once it was determined the "lump" was not a firearm reasonable suspicion was disproved. However, the officer in this case preceded to reach in and grab the "lump" from the back pocket discovering that it was marijuana. The officer needed probable cause in order to search the driver, which the officer did not have as it was clear it was not a gun. The marijuana should be excluded.

The officer's seizure of the computer should not be excluded

Under the plain view doctrine an officer may seize evidence if 1) the evidence is openly in plain view, 2) the officer has a legal right to be in the location that he observed the evidence, 3) the illegality of the evidence is apparent. In this case the officer seen a serial number on the top of a computer on the kitchen counter. The officer was able to observe the serial number without having to open or move anything. The serial number was

in "plain view". The officer was serving a valid search warrant of the home and thus had a legal right to be present in the position he observed the serial numbers. Although the illegality of the serial number was not readily apparent, the officer has a right to run numbers through the data base as this does not constitute a search or seizure. Once the numbers confirmed the laptop was stolen, the officer was in his rights to seize the laptop. The laptop should not be excluded.

The seizure of the narcotics should be excluded

Unlike the seizure of the lap top under the plain view doctrine, the narcotics seizure violated the fourth amendment. Unlike the laptop serial numbers that could be run through the database, the narcotics had to be seized to be tested. Under the plan view doctrine as described above the illegality of the evidence must be apparent. In this case the narcotics were in an unmarked medicine bottle, this is not illegal on its face. The illegality of the bottle was not known until it was tested outside the home. Additionally, the search warrant was for counterfeit bills and searching for narcotics specifically was outside the scope of warrant. As the plan view doctrine does not apply and the warrant did not authorize a search for narcotics, the narcotics should be excluded.

MEE 3

Representative Good Answer No. 1

Do the Federal Courts permit Woman to bring Insurance Company in as third-party defendant?

The federal rules of civil procedure allow for a defendant to bring in a third party if that third party has liability to the defendant or if the defendant claims that the third party must indemnify her. Compulsory party joinder is allowed when complete relief would not be possible if the missing party is not brought into the suit.

Here, the FRCP would allow woman to bring in the insurance company. It would be appropriate because if this is her insurance company, it would need to indemnify her if she is liable to the man. The insurance company may argue that it is not her insurance company because the contract has lapsed because she has not made payments. Since this is an issue of dispute, it would be appropriate for the woman to bring in the insurance company as a third party; or, in the alternative, as a compulsory party joinder. Here, if the issue of the insurance liability is not figured out, then that will materially change the amount that plaintiff man can recover. Because complete relief may not be possible to the plaintiff without the addition of the insurance company, it should be brought in.

Does State B have personal jurisdiction over Insurance despite its lack of contacts with

State B?

The rule is that a forum court cannot have personal jurisdiction over a party if it is incompatible with Constitutional Due Process concerns. In order to meet the Due Process standard, personal jurisdiction exists if the party had certain minimum contacts in the forum state and if the party's presence adheres to traditional notions of fair play and justice.

Here, the insurance company has minimum contacts with State B because it is foreseeable that an insurance company would be subject to State B litigation. Although Insurance does not have formal business in State B and has no facilities in State B, its headquarters is in Big City, which is no more than ten miles away from State B. It is foreseeable that drivers from Big City in State A would

go to State B, considering how close by it is located. Furthermore, there is specific jurisdiction over this claim as the actions that gave rise to the cause of action took place in State B. The accident happened in State B and thus the events that gave rise to the cause of action occurred in State B. Finally, there are no justice issues here - it is not unduly burdensome for defendant to go to State B court and State B is an appropriate jurisdiction for relief for the plaintiff.

What actions can district court take to allow woman to immediately appeal? Should it?

The general rule described as the Final Judgement Rule states that a case is not appealable until a final judgment has been ordered. However, there are some exceptions to that rule. One exception is that if there is one claim in the action or one issue that the court rules upon and states in its findings that there is no reason to delay the appeal, then that particular issue can be appealed. The Interlocutory Appeals Act also allows an appellate court to choose to take up an issue if there is ambiguity concerning the disposition and that the appellate ruling would provide certainty to a material issue that could be dispositive of the whole case.

Here, the court should at the very least make a finding that there is no reason to delay on the issue of the whether the insurance company is liable to her or if the insurance has lapsed. Under the Interlocutory Appeals Act, the insurance company issue should also be reviewed by the Appellate court because if the insurance company cannot be brought in to indemnify, then that is a material issue that will likely affect the outcome of the case; in particular, it will probably reduce the damages claim significantly if the woman cannot pay a high amount to the man on her own.

Representative Good Answer No. 2

Question 1:

The issue is whether the Federal Rules of Civil Procedure (FRCP) allow the woman to implead the insurance company as a third-party defendant.

The FRCP allow a defendant to "implead," or bring into the suit, a "third-party defendant" who may be liable to the original defendant, in this context referred to as the "third-party plaintiff," for some (contribution) or all (indemnity) of any judgment rendered against the third-party plaintiff in her capacity as the original defendant. A court will allow impleader if the third-party defendant is an indispensable party, meaning that, without the third-party defendant's participation in the suit, the parties to the lawsuit may be permanently derived of substantive rights, such as the ability to recover for any damages owed to them, or the litigation will be incapable of full resolution. If a party is not indispensable to the litigation, the court has discretion to either grant or deny impleader.

Here, the court properly found that the insurance company was not indispensable to the litigation. Without the company's participation, the man could nevertheless be awarded the damages he seeks, and the woman will not in any way suffer prejudice to her efforts to defend the suit. The woman could file a separate action against the company for indemnity or contribution if the man prevails. Since the company is not indispensable, the court may but is not required to allow for impleader of the company.

Therefore, while the judge permissibly chose not to permit impleader, the FRCP nevertheless gave the court the discretion to permit the woman to implead the company as a third-party defendant.

Question 2:

The issue is whether, in the absence of minimum contacts, properly serving process on a corporate defendant is a valid basis for personal jurisdiction, even where the defendant is domiciled out-of-state in a location 10 miles from the location of the forum state's courthouse.

Under the FRCP, a federal court can exercise jurisdiction over a defendant who lacks minimum contacts with the forum state if the defendant is properly served with process, including by personal service, in another state in a location that is within 100 miles of the forum state's courthouse.

Service of process is properly effected on a corporation when a president or officer of the corporation is personally served with the complaint and summons at his place of business no more than 90 days after the lawsuit is filed.

Here, the corporation was located in Big City, State A, which is 10 miles, i.e., less than 100 miles, from the district court for the District of State B, located in Small Town, State B. The complaint and summons were personally served on the president ten days after suit was filed, i.e., fewer than 90 days after suit was filed.

Therefore, the court has personal jurisdiction over the company despite its lack of contacts with State B.

Question 3:

The issue is whether the woman is entitled to an interlocutory appeal.

Under the final judgment rule, under all but the most exceptional of circumstances a party cannot appeal a federal trial court's decision on a particular issue in a case until the entire litigation has concluded. Appeals filed before the entire litigation has been resolved are known as interlocutory appeals.

There are two noteworthy exceptions to the final judgment rule. First, an interlocutory appeal is proper when a court disposes of an issue and notes on the record that there is "no just reason for delay." Second, under the collateral order doctrine, a decision can be immediately appealed if failure to grant an immediate appeal would permanently deprive the parties of substantive rights or effectively strip an interested party of its ability to vindicate its rights on appeal.

Neither exception applies here. The court did not make a "no just reason for delay" finding on the record. In addition, failure to allow for immediate appeal would not deprive anyone of the ability to vindicate its rights on appeal or otherwise. The woman could appeal the decision once the litigation between her and the man is disposed of. The dispute between her and the insurance company will not even exist unless the woman loses the suit the man filed against her. If the woman does lose the suit, she can nevertheless sue the company for indemnity or contribution in a separate suit.

Therefore, the district court should not allow the woman to immediately appeal the dismissal of her third-party complaint against the insurance company.

MEE 4

Representative Good Answer No. 1

A security interest is created when a creditor loans money to a person, or permits a sale on credit, and retains an interest some form of collateral to ensure the repayment of the debt. The security interest becomes effective upon attachment. Attachment requires: (1) a security agreement; (2) the creditor gives value; and (3) the debtor has interest in the collateral. A valid security agreement must: (1) sufficiently describe the collateral; (2) show and intent to create a security interest; and (3) be signed by debtor. The description of the collateral will be sufficient if it specifically identifies the collateral or uses that type of collateral's Article 2 category. When the collateral is goods it tangible property then it is classified based on how it is used. To perfect a security

interest the creditor must follow the appropriate method of perfecting their security interest in the type of collateral. The proper method of perfection depends on the type of collateral.

I. State X furniture store has an enforceable, but unperfected, security interest in lawyers office couch in State X.

The issue is whether the State X furniture store properly perfected their security interest. As discussed above a security interest is created upon attachment. Here, the lawyer signed the "Credit Sales Agreement" agreeing to grant a security interest in the couch, which is a security agreement. The creditor gave value by loaning the lawyer the money to purchase the couch. The debtor also has an interest in the couch. Thus, all three requirements for attachment are present creating an enforceable security interest.

Therefore, the furniture store has an enforceable security interest in the collateral.

As discussed above, the collateral's category for tangible property is based on how the debtor uses it. Here, the lawyer bought the table for use in conjunction with his law practice. Equipment is the Article 2 collateral category for goods bought or sold for use in conjunction with a business. Thus, the couch is equipment. To perfect equipment a secured party must file a financing statement in the central filing office of the debtor's home state. But, the State X furniture store did not file a financing statement. So, their security interest in enforceable, but it is unperfected.

II. State X furniture store has an enforceable and perfected security interest in lawyers home table in State X.

The issue is whether the State X furniture store properly perfected their security interest. As discussed above a security interest is created upon attachment. Here, the lawyer did sign a security agreement, and the debtor gave value (the funds to purchase the table), and the debtor has possessory rights in the collateral. Thus, all three requirements for attachment are present creating an enforceable security interest. Therefore, the furniture store has an enforceable security interest in the table.

As discussed above, the collateral's category for tangible property is based on how the debtor uses it. Here, the lawyer bought the table for use in his home. Under Article 2, consumer goods are categorized as personal property if bought for personal, family, or household use. So, the table is a consumer good. A purchase money security interest (PMSI) arises when the creditor lends the debtor the money used to purchase the collateral. The furniture store lends the lawyer the money to buy the table, the collateral. A PMSI in consumer good is automatically perfected if the debtor takes possession within

20 days. Therefore, the furniture store has an enforceable and perfected security interest in the table.

III. The State Y Furniture store has an enforceable, but unperfected security interest in the desk.

The issue is whether the furniture store filed the financing statement in the proper location. As discussed above, the State Y's security interest attached when the lawyer signed the security agreement, the store lent him the money to acquire the desk, and the debtor took possession of the collateral. The table is equipment because it was bought for use in the lawyers business. To perfect a security interest in equipment the creditor must file a financing statement in the central filing office of the debtor's state. Here, however, the State Y furniture store filed the financing statement in State Y's central office.

However, the lawyer is a resident of state X. Thus, the financing statement was filing in the wrong place. Therefore, they have an enforceable, but unperfected interest in the desk.

Representative Good Answer No. 2

1. The State X furniture store has an enforceable but not perfected interest in the couch used by the lawyer in her office waiting room in State X.

For a security interest to be enforceable, it only needs to attach to the collateral. The party does not need to perfect - perfection only ensures that the creditor has priority over other competing security interests down the line (if the debtor defaults). Attachment requires (1) value-that the secured party give value for the interest, (2) that the debtor has rights in the collateral, and (3) that the parties execute an authenticated security agreement, which names the parties, describes the collateral in sufficient terms, and is authenticated by the debtor (usually by signature).

Perfection requires that one of the parties (usually the secured party, but it doesn't have to be) file a financing statement with the relevant central filing office in the state where the debtor is located. The financing statement needs to have both parties names, a description of the collateral (this can be much less descriptive than the security agreement), and the parties addresses.

In this case, the store has a Purchase Money Security Interest (PMSI) in the State X couch, and it is enforceable. There is value because the store gave the lawyer the couch in exchange for money and a secured interest, the debtor/lawyer has rights in the collateral in that she has possession, control, and ownership of the couch, and the lawyer signed a security agreement granting the store a security interest in the couch. The couch is sufficiently identified in the security agreement and the agreement is authenticated by the lawyer's signature. If the lawyer defaults on her payments, the store will be able to enforce the debt.

The store does not, however, have a perfected interest in the couch, because they did not file a financing statement with the relevant central filing office.

2. State X furniture store does have an enforceable and perfected security interest in the table, however. For the reasons stated above, the store has an enforceable interest in the table because the table was given for value, the lawyer has rights in the collateral/table, and she signed a valid and authenticated security agreement. The fact that the lawyer does not have title to the table until she finishes paying for it does not mean that this is not a secured transaction under Article 9. On its face, the transaction might look like a lease, but courts will interpret a transaction to be a secured transaction if it substantially conforms to the requirements of one, including in situations where the lease covers the entire economic life of the good, or where the debtor has the chance to purchase the good at the end of the lease for nominal or no additional consideration. Because the financing agreement allows title to transfer to the lawyer when she makes the last payment, it is likely to be interpreted as a secured transaction.

Because this will be interpreted as a secured transaction, it will also be interpreted as a Purchase Money Security Interest in a consumer good. A PMSI in consumer goods happen when the creditor lends money for the purchase of an item, the money is actually used to pay for that item, and the good itself is intended to be used for personal/home/family use. In this case, the store extended credit for the explicit purpose of the lawyer buying the table, the lawyer used that credit to actually buy the table, and the lawyer intends to use the table for her home. The table, then, is a PMSI in consumer goods. PMSI's in consumer goods automatically perfect on attachment of the interest, so the store has both an attached/enforceable interest in the table, and a perfected interest in the table.

The store should, however, file a financing statement with respect to the table to avoid the "garage sale exception" to perfection. Where a consumer sells another consumer a consumer good with a PMSI, the buyer will take free of the security interest (even though it auto-perfected) if there is no financing statement filed.

3. State Y has an enforceable but not perfected interest in the desk bought in state Y. The security interest in the desk has attached for the above reasons (value, lawyer's rights in the collateral, and an authenticated security agreement), and is therefore enforceable, but it is not perfected because the furniture store filed the financing statement in the wrong place. Financing statements need to be filed in the state in which the debtor lives - not where the collateral is located. This is because future creditors will search for security interests in the debtor's name based on their place of domicile/residence. The lawyers periodic presence in State Y does not convert State Y to her principle residence, because she still lives and intends to live in State X for the most part. The furniture company should have filed in State X.

This mistake may be excused (and the collateral considered perfected) if the mistake is not material - meaning that if a creditor searches in State X they will still come across the interest in State Y. It is unlikely that a search in one state would bring up security interests located in an entirely different state, so it's likely that State Y's security interest is not perfected here.

MEE5

Representative Good Answer No. 1

1. The issue is whether Wendy acquired title by adverse possession to the Central Acre.

Adverse possession requires the possession to be actual, exclusive, continuous, open, and notorious, and hostile. Actual possession requires that the adverse possessor actually possess the land in dispute. Exclusive possession requires that the disputed area is not simultaneously used by the owner at the same time as the adverse possessor. Continuous possession means that the adverse possessor does not intermittently utilize the land; however, seasonal use that is consistent with typical land use is sufficient to prove continuousness. Open and notorious use requires that the adverse possessor not attempt to hide their use of the land, but rather any passerby would be able to reasonably see that the land is being used by someone. Hostile possession means that the adverse possessors are in opposition to the property interests of the landowner. Further, these elements must be occur for the statutorily prescribed amount of time for an adverse possession to take effect.

Here, the facts at trial established that Wendy did possess Central Acre in a manner that was actual, open, and notorious, continuous, exclusive, and hostile under claim of right. Since she took began this adverse possession by physically occupying the land in 2010, as of 2020, Wendy had sufficiently met the statutory requirements for adverse possession. At the time of the cause of action accruing, the person entitled to bring action was John, who was over the age of 18. This means that while Beth was not 18 in 2016, this was not the time in which the adverse possession had initiated, and Beth was 18 by the time the statutory period had been met.

Therefore, Wendy acquired title by adverse possession to the Central Acre.

2. The issue is whether Wendy acquired title to the Western Acre or Eastern Acre in the same year as Central Acre.

As stated, adverse possession requires the possession to be actual, exclusive, continuous, open, and notorious, and hostile.

Here, Wendy did not actually possess either Western Acre or Eastern Acre in an open or notorious manner at any point throughout the adverse possession claim against Central Acre. While she was provided a quitclaim deed for all three acres, the facts at the trial established that it was colorable title and title itself is insufficient to show actual possession in an open and notorious manner.

Therefore, Wendy is not able to raise a claim of adverse possession for either Western Acre or Eastern Acre.

Representative Good Answer No. 2

The first issue to deal with here is determining whether or not there was an adverse possession of the central acre in 2020. Under the law of property adverse possession is a classic and historied doctrine. It requires that the possession is actual and exclusive, open, and notorious, continuous for the statutory period and hostile. As these elements were found to exist by the court, there is no merit in going through a detailed examination of each one. However, adverse possession may be blocked where the individual who is transferred titled is a minor or a mentally disabled person. Such disabilities will work to stop the clock on adverse possession until the removal of the legal impediment. However, this will only work where the infirmity existed prior to the adverse possession. in essence this means that an individual cannot simply stop the adverse possession period by seeking to transfer to a disabled or infirm or individual without capacity, simply to thwart the process, rather it must exist before. Further, While a quitclaim deed provides no guarantees as to the title of third-party individuals or the grantor and thus is a relatively unsafe deed, such a deed has no effect on passing color of title or on adverse possession. Of course, if someone with superior title comes along and seeks to take the property, then that quitclaim deed will fall flat, but where the possession is accomplished then there will be.

Here the statute clearly follows the above stated rules. while at first glance it may appear that the statute would allow johns daughter to take the property, it mirrors the rule by requiring that the infant take the property before the action/ the adverse possession start. Here however, that possession started before title was ever given to the daughter and thus the increased time period of 5 years will not trigger. As a result, neither the quitclaim deed nor the daughters possession will stop the accrual of time, it meets the time, meets the element and thus there is adverse possession, Wendy did so acquire.

Next we need to deal with the issue of whether, assuming adverse possession did occur, was the eastern and western also recovered at that time. Color of title is a document that on its face purports to provide title, but in fact does not. Such a situation can arise where someone else is in possession and an innocent buyer takes the deed either by mistake or fraud of the seller. Color of title is important because it has extreme implications for adverse possession. Normally, an individual will only adverse possess what they actually possess and use. In essence, normally, an individual will only take that part of the property they actually use. However, there is an exception to this where the adverse possessor enters the property and possess an adequate or acceptable portion of a unitary lot when they enter with the color of title. What this all means is that if a person in essence controls a part of the land that would lead an individual to look at that property and think that the house and the yard make sense in proportion to one another, then the individual will give notice of that ownership to the world, and they will adverse possess the whole. Finally, a unitary lot is one that is not split by a road, rather it is single, contiguous.

Here Wendy did enter the property under color of title. THE QUITCLAIM DEED that she received and as judged by the court, achieved that status. Further, it appears that no roads or fences or any obstruction actually blocks off these acers from one another. As a result, the question then becomes if the actual possession of a third of the property will be enough to get us to that adequate percentage. Further that property was not possessed by either of the other parties, nor was it improved. Thus, to the outside it would seem to be one property. The court should find that the possession of one third of the property is sufficient to meet this percentage mark. As a result, Wendy did achieve adverse possession of the both the eastern and western parcel at the same time.

In the alternative. Wendy, even if she does not get the eastern parcel, may be able to claim that the western parcel is contiguous still and in that regard a percentage of 1/2 possession will be more than adequate. If the court decides to split it this way, the result will still allow for acquisition of the rest of the western even if alone.

MEE 6

Representative Good Answer No. 1

The first issue that needs to be tackled is that of the confession that was made during the withdrawn guilty plea. Certain statements are excluded because they are against public policy to admit those statements, either due to the fact that we would want to encourage candor in these situations or we want to allow for certain actions without fear of punishment from exercise of the right, statements made during guilty pleas are such a rule. Under the rules of evidence, statements made in connection with as well as the plea itself will be inadmissible where such are the subject of a withdrawn guilty plea. This exception will not apply to full guilty pleas that have been honored and these are generally admissible. As to the statements, where there is a withdrawn guilty plea, even statements that amount to admissions would not be allowed to come in.

Here, although the statements made by the defendant would be incredibly helpful to the case of the plaintiff and are jarring, these statements cannot come in because they were part of the withdrawn guilty plea, they were a part of that plea negotiation process. Here even though the defendant initially pleaded guilty, that will not matter, what matters is that at the end of the day, the plea was withdrawn.

Next, we must look at the statements that were made in the deposition testimony by the man indicating that the defendant had previously looked through the whole in order to spy on the man. Under the laws of evidence, generally similar occurrences, those that may involve the defendant, but at some other time event or condition are generally not admissible in the current case. There are exceptions to this rule of course. Generally, such evidence is closely akin to propensity and will generally show carelessness or lead to such a finding on the part of the jury. however, such evidence may be used in order to show a lack of accident or mistake or even knowledge.

In this case such evidence could attempt to come in for this purpose and it will not be considered to indicate a careless personality of the defendant. As such, these similar circumstances will likely come in.

Further. hearsay is a statement made by an out of court declarant being introduced for the truth of the matter asserted. A statement is any assertive statement, verbal, written or just conduct itself. A declarant must be a human being and cannot be machine generated or an animal. It is a statement made anywhere but the

stand at the current trial or hearing, even another trial or hearing. And the truth of the matter asserted is the purpose of the statement where the proponent introduces the statement in order to prove the actual contents of that statement, they are introducing it to prove what the statement says. There are a number of common non-truth purposes, including in order to show legally operative words or acts, circumstantial evidence of state of mind or effect on the listener or reader. however, the most important thing is that statements that are hearsay are likely not to come in due to their lack or reliability. There are however exceptions to this rule. Some such exceptions will require that the declarant be unavailable, however.

To be unavailable, the laws of evidence state that the declarant must be either: Dead or incapacitated, they must be suffering from a lack of memory loss or knowledge, stubbornly refusing a court order, Under a privilege, or finally, are absent from the jurisdiction and will not come to court despite the reasonable and good faith efforts of the proponent.

Here the declarant meets the last of these exceptions, the man who was disposed is out of the jurisdiction and as a result, the plaintiff tried commendably to retrieve him and his testimony but failed to do so. As a result, the man is unavailable.

Under those exceptions to the rule against hearsay that require unavailability, the first of those exceptions is the former testimony exception. There, where a hearsay declarant is unavailable, former testimony where that was: (1) taken under oath at a former proceeding in this or different trial is admissible where, (a) The defendant had an opportunity and (b) Similar motive to develop the testimony through cross. For such an opportunity it must be the defendant who was the party in the prior case and for motive the issue or subject must be the same but not the ultimate issue or claim.

Here this is met easily. This statement was made by the declarant at a deposition. Such a statement is taken under oath. Further such a statement is given the opportunity to cross whether you decide to take it at the deposition or not. Here the issue was the same as well as both cases involved the perverse habit of the man to peer through the whole at his tenants. As a result, this statement will come in under the former testimony exception

Finally, we can consider the evidence that the plaintiff plagiarized their senior thesis. Impeachment is an attempt to discredit the witness on the stand. there are two kinds, impeachment by non-character grounds and impeachment on the grounds of a bad character for truthfulness. One of the ladder grounds includes introducing evidence of bad acts indicative of that untruthfulness. Such evidence may only be introduced where the plaintiff takes the stand. Further such statement must be tailored towards those acts and not consider any consequences of those acts like arrests or being fired.

Here the statement does not include the consequences. These acts clearly show untruthfulness and dishonesty and are tailored to such. As a result, should the plaintiff take the stand, the defendant may introduce this evidence for the purpose of impeachment only and not as substantive evidence

Representative Good Answer No. 2

1. The issue is whether the admissions of the Defendant made in connection with the guilty plea that he later withdrew is inadmissible or not.

Statements made in connection to plea negotiations, including during a withdrawn guilty plea are inadmissible statements. The statements made by the defendant are not hearsay, they are made by a party opponent, but the statements in connection to plea negotiations are flatly not admissible in criminal or civil

litigation. There are public policy reasons behind this rationale; namely that litigators and parties to litigation/prosecution should be able to freely work out and resolve cases to prevent unnecessary litigation/trials. The inadmissibility of plea negations/statements made during a withdrawn guilty plea are based around encouraging parties to freely be able to work out cases and propose potential outcomes without burdening or hampering parties with fear that their negotiations would later be used against them. Because of this public policy reason, the defendant's statements made in connection to the guilty plea are absolutely inadmissible and should be excluded.

2. The issue is whether the deposition testimony of the man constitutes bad- acts/propensity evidence.

The statements of the man who stated that the Defendant watched him under similar circumstances to those alleged by Plaintiff are hearsay statements- meaning that because the man (the declarant) is unavailable to come to court, the defendant seeks to exclude is out of court statements. Hearsay is generally prohibited unless it comes under a non-hearsay category or satisfies a hearsay exception. Rule 403 generally weighs in favor of admission of relevant evidence and balances admission with fairness to the parties. Here, the man was deposed in the presence of both the defense and the plaintiff. This means that the man was sworn under oath and was subject to cross examination. Because the man was under oath and subject to cross examination, his statements may come in as a non-hearsay category.

BUT- Prior bad acts may almost never come in as evidence of propensity to commit a crime. Prior bad acts may only come in to show absence of mistake, identity (modus operandi), motive, or common scheme. Here, the plaintiff can use the man's statements to show an absence of mistake and the identity of the defendant/modus operandi. If the circumstances of the man's situation and the defendant are in fact nearly identical to those described in the Plaintiff's complaint, then the plaintiff can use the man's testimony to show that this is not the first time that the Defendant has been peeking in through this hole in THIS closet that connects to THIS shower, that it is not a mistake as the Defendant initially claimed in his answer. Additionally, because intent is an essential element for invasion of privacy, the cause of action that the plaintiff is alleging, the court should refuse to exclude the man's testimony as well. When the character evidence is related to an essential element of the allegation, the bad character evidence may be permitted. Here, the man is testifying that the defendant had previously spied on him in the shower in nearly identical circumstances. The defendant, in his answer is claiming that he did not have the required specific intent. Therefore, the man's statements go directly to an essential element of invasion of privacy, that the defendant DID in fact have the specific intent to invade privacy. Therefore, because the statement of the man is non-hearsay and because the statement concerns MIMIC bad act evidence to show absence of a mistake, the man's statement can come in and the defendant's motion to exclude should be denied.

3. The issue is whether evidence that the Plaintiff plagiarized her senior thesis in college and lied about it on her graduate school application is admissible under character evidence as it pertains to truthfulness.

Generally, character evidence is almost always inadmissible to show propensity. However, the defense may elicit testimony about the victim's truthfulness. While normally character, and especially bad character evidence is inadmissible, truth-finding is the essential role of a trial and so, in a trial situation, a party of a case may elicit questions about a testifying party's truthfulness and candor. The judge should not exclude this evidence, but the judge should permit the plaintiff to provide an explanation on re-direct if they so choose.