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What claims does Wanda have, what defenses can Mary raise and who is likely to prevail

A. The autographed Baseball

Wanda v. Mary

Fraudulent Misrepresentation

In order to establish a prima facie case of fraudulent misrepresentation the plaintiff must show that the defendant; knowingly misrepresented a material fact, did so intending to defraud plaintiff and there has to be damages.

Knowingly Misrepresentation of Material fact

A defendant misrepresents a material fact, when he/she lies or obtains something by being deceitful or hiding the truth.

Here, Wanda will argue that there was a misrepresentation of a material fact because she told Mary told her that Wanda's deceased husband was the father to her 12 year old, Sam. She then asked her for $200,000 knowing she was lying and Wanda relied on her statement.

Thus, Mary knowingly misrepresented a material fact.

Intent to Defraud

A defendant must have the intent to defraud the plaintiff when he makes this representation.

Here, Mary had the intent to defraud Wanda, she intended to defraud her by making up a lie in regards to Wanda's husband being the father of her child with the intent of obtaining money from Wanda, and she then used this money to purchase the autograph for $1000.

Thus, Mary intended to defraud Wanda to obtain money.

Damages

A plaintiff has to prove that they were actually harmed by the defendants action, normally economic damages are not enough unless the defendant acted with malice.

Here, Wanda can prove damages because Mary acted in bad faith and with Malice when she fraudulently misrepresented that Wanda's husband was the father of her child, which was not true. Mary also took $150,000 from Wanda and she also got 1000 shares in stocks (Selling $50 per share).

Thus, Wanda can prove damages based on Mary's negligent conduct and she can bring this lawsuit for fraudulent misrepresentation against Mary and she would likely prevail.

Conclusion

The court would likely find that there was fraudulent misrepresentation on Mary's behalf and

would find that the money she used to pay for the baseball autograph should either be returned, or they would award a constructive trust on the autographed baseball.

Constructive Trust

A constructive trust is a device used by the plaintiffs as a remedy when the defendant obtained the property by deceit, or fraudulent misrepresentation, and the property has increased in value. The plaintiff basically asks the court to give title back to the plaintiff and put it in a constructive trust to prevent defendant from obtaining access to it.

Here, Wanda asked the court to put the baseball autograph in a constructive trust, because Mary obtained this autograph by using fraudulent misrepresentation. However Mary will argue that the court should award her $500, because she also used her own money to pay for this baseball autograph. Mary had $500 on her account when she wrote the check to get the autograph and as such is entitled to reimbursement for her own money used.

The court would likely award the constructive trust to Wanda and would say that Mary is only owed $500 she paid from her account for the baseball autograph.

Restitution

Restitution is meant to prevent unjust enrichment, if defendant acted wrongly, the plaintiff can ask the court for restitution to recover their money or losses back.

Here, Wanda can ask for restitution to prevent unjust enrichment, Mary obtaining the benefits of keeping the autograph.

The court would likely find that Mary was unjustly enriched at Wanda's expense and would award Wanda with the money back that Mary used to purchase the autograph.

MARY DEFENSES

Defense of Necessity

The defense of necessity is when a defendant acted in a wrongful way out of necessity.

Here, Mary may argue that she only defrauded Wanda out of necessity because she only had $500 in her bank account and had no other assets. However, necessity cannot be used when a plaintiff intends to defraud and acts with malice. In this case, the court would see Mary's behavior as repugnant and would not validate her necessity defense.

Thus, the defense of necessity would fail.

Latches

If a plaintiff waits too long to bring lawsuit, he forfeits his rights to bring the lawsuit. Normally he must bring lawsuit within the statute of limitations.

Here, Mary might have a better argument that the court should find that Wanda should be prohibited from bringing this lawsuit because Wanda discovered the truth in Decemer 2024, and waited until nearly June 2025 to bring this suit against Mary.

Thus, the court would likely not find this argument persuasive and would find that Wanda is within the year time frame to bring law suit against Mary and also Wanda should be given grace given she did not find out about Mary's lie, until December 2024, as such bringing suit 6 months later was not unreasonable.

B. The condominium

Fraudulent Misrepresentation

In order to establish a prima facie case of fraudulent misrepresentation the plaintiff must show that the defendant; knowingly misrepresented a material fact, did so intending to defraud plaintiff and there has to be damages.

Knowingly Misrepresentation of Material fact

A defendant misrepresents a material fact, when he/she lies or obtains something by being deceitful or hiding the truth.

Here, Wanda will argue that there was a misrepresentation of a material fact because she told Mary told her that Wanda's deceased husband was the father to her 12 year old, Sam. She then asked her for $200,000 knowing she was lying and Wanda relied on her statement.

Thus, Mary knowingly misrepresented a material fact.

Intent to Defraud

A defendant must have the intent to defraud the plaintiff when he makes this representation.

Here, Mary had the intent to defraud Wanda, she intended to defraud her by making up a lie in regards to Wanda's husband being the father of her child with the intent of obtaining money from Wanda. Mary then took $150,000 from Wanda and used it to buy this condo, by getting money from Wanda, Mary was able to put $100,000 down.

Thus, Mary intended to defraud Wanda to obtain money to purchase this condo.

Damages

A plaintiff has to prove that they were actually harmed by the defendants action, normally economic damages are not enough unless the defendant acted with malice.

Here, Wanda can prove damages because Mary acted in bad faith and with Malice when she fraudulently misrepresented that Wanda's husband was the father of her child, which was not true. The damages here would be $100,000 she used to pay from the money Wanda gave her.

Thus, Wanda can prove damages based on Mary's negligent conduct and she can bring this lawsuit for fraudulent misrepresentation against Mary and she would likely prevail.

Conclusion

The court would likely find that there was fraudulent misrepresentation on Mary's behalf and would find that the money she used to pay for the condominium be returned, or they would

award a constructive trust on the condominium.

Constructive Trust

A constructive trust is a device used by the plaintiffs as a remedy when the defendant obtained the property by deceit, or fraudulent misrepresentation, and the property has increased in value. The plaintiff basically asks the court to give title back to the plaintiff and put it in a constructive trust to prevent defendant from obtaining access to it.

Here Wanda will argue that she should obtain a constructive trust on the whole condo since the money used as a down payment came from her. Mary however will argue that Wanda should only be reimbursed her $100,000 because Mary obtained a loan from the bank for $300,000 to purchase the condo and it is a purchase money mortgage as such she should get access to the money as well.

Thus, the court would however find that Wanda should get awarded a constructive trust on the condo and that Mary would not be entitled to anything, any proceeds would go to the bank who has a secure mortgage on the condo.

C. The Stock

Fraudulent Misrepresentation

In order to establish a prima facie case of fraudulent misrepresentation the plaintiff must show that the defendant; knowingly misrepresented a material fact, did so intending to defraud plaintiff and there has to be damages.

Knowingly Misrepresentation of Material fact

A defendant misrepresents a material fact, when he/she lies or obtains something by being deceitful or hiding the truth.

Here, Wanda will argue that there was a misrepresentation of a material fact because she told Mary told her that Wanda's deceased husband was the father to her 12 year old, Sam. She then asked her for $200,000 knowing she was lying and Wanda relied on her statement.

Thus, Mary knowingly misrepresented a material fact.

Intent to Defraud

A defendant must have the intent to defraud the plaintiff when he makes this representation.

Here, Mary had the intent to defraud Wanda, she intended to defraud her by making up a lie in regards to Wanda's husband being the father of her child with the intent of obtaining money from Wanda. Mary intended to obtain money, and may argue she never wanted to obtain stocks, as such she didn't have the intent to defraud.

Thus, the court would be unpersuaded by Mary and would find that Mary intended to defraud Wanda to obtain money regardless of what form Wanda paid her.

Damages

A plaintiff has to prove that they were actually harmed by the defendants action, normally economic damages are not enough unless the defendant acted with malice.

Here, Wanda can prove damages because Mary acted in bad faith and with Malice when she fraudulently misrepresented that Wanda's husband was the father of her child, which was not true.

Thus, Wanda can prove damages based on Mary's negligent conduct and she can bring this lawsuit for fraudulent misrepresentation against Mary and she would likely prevail.

Conclusion

The court would likely find that there was fraudulent misrepresentation on Mary's behalf and would find that the money she obtained for the stocks should be returned to Wanda, however given Mary has no access to the money from the stocks, Wanda will unfortunately not get this money back.

D. The $35,000 in Mary's bank account

Fraudulent Misrepresentation

In order to establish a prima facie case of fraudulent misrepresentation the plaintiff must show that the defendant; knowingly misrepresented a material fact, did so intending to defraud plaintiff and there has to be damages.

Knowingly Misrepresentation of Material fact

A defendant misrepresents a material fact, when he/she lies or obtains something by being deceitful or hiding the truth.

Here, Wanda will argue that there was a misrepresentation of a material fact because she told Mary told her that Wanda's deceased husband was the father to her 12 year old, Sam. She then asked her for $200,000 knowing she was lying and Wanda relied on her statement.

Thus, Mary knowingly misrepresented a material fact.

Intent to Defraud

A defendant must have the intent to defraud the plaintiff when he makes this representation.

Here, Mary had the intent to defraud Wanda, she intended to defraud her by making up a lie in regards to Wanda's husband being the father of her child with the intent of obtaining money from Wanda. She was able to take money from Wanda.

Thus, Mary intended to defraud Wanda to obtain money.

Damages

A plaintiff has to prove that they were actually harmed by the defendants action, normally economic damages are not enough unless the defendant acted with malice.

Here, Wanda can prove damages because Mary acted in bad faith and with Malice when she fraudulently misrepresented that Wanda's husband was the father of her child, which was not true.

Thus, Wanda can prove damages based on Mary's negligent conduct and she can bring this lawsuit for fraudulent misrepresentation against Mary and she would likely prevail.

Conclusion

The court would likely find that there was fraudulent misrepresentation on Mary's behalf and that Wanda is entitled to the $35,000 in Mary's bank account since Mary did not have the means to provide the money for $100,000 she received from the shares.

MARY DEFENSES

Unclean Hands Defense by Mary

Unclean hands is when the plaintiff also acts wrongly, the defendant can ask the court to decrease the damages they receive.

Here Mary might argue that there was unclean hands by Wanda by waiting so long, and that allowing Wanda to take all her money would leave her without anything. Wanda would however argue that she did not act wrongly or in bad faith and she is merely trying to remedy the wrong.

Thus the court would likely find that there was no unclean hands by Wanda, and this argument would fail.

END OF EXAM