

REMEDIES FINAL EXAM
GOLDEN GATE UNIVERSITY SCHOOL OF LAW
SUMMER 2007
PROF. LOIS SCHWARTZ

30 points

All events occur in State X.

In 2003, Dick Driver stole Penelope's Toyota Camry automobile (the "original Camry"). The only copy of a manuscript Penelope had written was on the back seat. Penelope had intended to make copies and hoped to send it to publishers some day.

Penelope was forced to buy another car to replace the original Camry in order to get to work. She spent a day combing through dozens of advertisements for used Toyota Camrys and the next day bought a virtually identical car (the "replacement Camry") for \$10,000, the going rate.

In 2004, Dick had some engine trouble with the original Camry. He took it to Mechanic, who fixed the problem for \$2,000. Dick never paid Mechanic, despite repeated attempts on Mechanic's part to collect.

In 2005, Penelope was driving the replacement Camry when she was involved in a three-car pile-up on the freeway. She suffered \$50,000 in losses. She sued both of the other drivers, who were equally at fault for Penelope's injuries. Penelope was without fault. A jury awarded the full amount and she received the \$50,000 from Driver 1.

In 2006, Penelope spotted Dick driving the original Toyota Camry. She stopped him and demanded that he return the car. He offered her \$1,000 instead. Dick had put a lot of miles on the car.

Shortly after that, Penelope discovered that a new independent film starring Brad Pitt and Jennifer Anniston (together again!) had just been released, and its plot was the story in her manuscript. According to many enthusiastic reviews in the media, the movie was written, produced, and directed by newcomer Dick Driver, who was about to experience a major box office success. Dick hoped so, since he was almost penniless.

1. What remedies does Penelope have against Dick based on his conversion of the Toyota Camry?
2. What remedies does Penelope have against Dick based on the manuscript he took from her?
3. Assume for purposes of this question only that Dick returns the car to Penelope. What remedies, if any, does Mechanic have against Penelope?
4. What remedies does Driver 1 have against Driver 2?