**BL 240**

**Written Assignment #1**

Victoria, a citizen of Lauderdale County, Alabama is driving down Florence Boulevard when Mark, a citizen of Mississippi, who is illegally texting while driving, pulls out in front of her, causing her serious injuries. Victoria is so angry that she gets out of the car and screams at Mark, threatening to punch him in the face and kick his dog. The police arrive before Victoria ever acts on her threats.

Later that evening, Victoria continues to be so mad at Mark that she decides to go to his house and follow through on her original threat. She gets to his house and finds the front door to be locked so she decides to break a window instead. Using the flashlight on her phone, she navigates her way through his house, finds him in bed, and punches him right in the face. Mark is such a heavy sleeper that he doesn’t wake up, but the next morning, he finds himself with a black eye. After noticing the broken window, he checks his security cameras and discovers that it was Victoria who had broken into his home.

As a result of the break in, Mark contacts the Times Daily and tells them to run an article about Victoria, explaining that she is a horrible person who can’t drive and who hates dogs. Victoria’s employer, The City of Florence, sees the Times Daily article and fires her immediately.

**If Victoria wants to sue Mark, on what bases can she do so (what claims can she make and what are the elements of each)? For each claim, state which court(s) can hear the claims and explain why. Be sure to address not only whether State or Federal court could hear the claims but also the location of the court(s).**

**If Mark wants to sue Victoria, on what bases can he do so (what claims can he make and what are the elements of each)? For each claim, state which court(s) can hear the claims and explain why. Be sure to address not only whether State or Federal court could hear the claims but also the location of the court(s).**

**The ambulance driver, Jaimie, arrived at the scene of the accident just in time to hear Victoria threatening to kick Mark’s dog. Jaimie loves animals, especially dogs. Can Jaimie bring a lawsuit against Victoria? Why or why not?**

**Does Victoria have any redress for being fired from her job? Why or why not?**

**Mark gets a ticket from Florence Police because he was texting while driving. In his defense, Mark states that he wasn’t actually texting while driving. Instead, he was reading the bible on his phone, something that his religion requires. If the City of Florence has a law that says persons may not look at their phone while driving, will Mark’s explanation get him out of the ticket? Why or why not?**

**Victoria gets a ticket from Florence Police because Mark reported her for screaming at him after the accident. What can Victoria argue in her defense and will she be successful?**

**Can Mark or Victoria be charged with any crimes as a result of their actions in the fact set? If so, what crimes and why?**