Legal Writing Rule Synthesis Exercise

The following four cases interpret California Civil Code § 3479 (the nuisance statute). The statute provides in part:

“ Anything which is injurious to health . . . or is indecent or offensive to the senses, or an obstruction to the free use of property . . . is a nuisance. ”

Identify the factors from each case excerpt that are relevant to determining when an activity is a nuisance, and using the chart below, synthesize those factors to identify the rule for nuisance.

Case 1

A 70-year-old woman was sued because she has dementia and regularly wakes screaming. Sometimes she leaves her house in the night and is loud outside. No nuisance found.

Case 2

One time during the day, a 45-year-old encyclopedia salesman made announcements on a bull horn. As he drove through his neighborhood, and loudly asked his neighbors to buy his books and is neighbors sued him. No nuisance found.

Case 3

College students were sued for throwing loud parties every weekend in a rented house where there was loud music, yelling, and sometimes fights. Nuisance found.

Case 4

An older couple was sued after they hosted a family reunion one time in their yard, where there was camping, lots of singing, and loud game playing. No nuisance found.
You may add more factors to this chart if you see additional factors that may be relevant to determining when an activity is a nuisance.