1L Preview Day

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Legal Writing

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Legal Writing Rule Synthesis Exercise

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

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

A 45-year-old encyclopedia salesman is making announcements out of his car on a bull horn. One time during the day, he goes through the neighborhood yelling about his books. No nuisance found.

Case 3

A house rented by college students throws loud parties every weekend, where there is loud music, yelling, and sometimes fights. Nuisance found.

Case 4

An older couple hosts a family reunion one time in their yard, where there is camping, lots of singing, and loud game playing. No nuisance found.
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<th>Case</th>
<th>Factor #1</th>
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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.