

QUESTION 7 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK III

Vienna Victim owns two pieces of heirloom jewelry with immeasurable sentimental value: a diamond watch that has been appraised for \$3,000 and a gold bracelet that has been appraised for \$2,000. Earlier this month, she brought both items into Oliver's Jewelry Boutique for repair and cleaning, and paid for the services in advance. Believing the bracelet to have been beyond repair as a piece of jewelry, the store's sole proprietor, Oliver Owner, pocketed the bracelet, melted it, combined it with other gold he had in his possession, and placed the resulting pure gold ingot in his vault to be sold to an investor.

Oliver repaired the watch as instructed, but he neglected to place the watch in his state-of--the-art vault, instead leaving it on the store's counter night after night. A burglar broke into the store one night and stole Vienna's watch from the store. All the items in the vault, including the gold ingot, were untouched. The burglar advertised the watch on the Internet and sold the watch to Dan Defendant, who (after some intense negotiations) paid \$500 for it.

Vienna attempted to pick up her jewelry from Oliver's store and learned what had occurred. She was able to trace the watch to Dan. Dan refused to return the watch to Vienna. The burglar's identity is unknown.

Assess the viability of potential remedies available to Vienna against Dan Defendant and/or Oliver Owner. Explain your answers.

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