

EQUITABLE DEFENSES

1) Unclean Hands

- a) Read pages 168-170, 171-173, 177-180
- b) What are the undisputed elements of the defense?
- c) What are the disputed elements of the defense?
- d) Straightforward examples: Senter, page 170; North Pacific, page 174.
- e) Batesville Truck Lines v. Martin, 219 Ark. 603 (1951)(defense cannot be raised by participating defendant).
- f) McCune v. Brown, 8 Ark. App. 51 (1983)(father “transferred” Kreuger rands to adult daughter; unclean hands versus unjust enrichment).

2) Unconscionability

- a) Procedural unconscionability; #4, page 186
- b) Substantive unconscionability; #5, page 186
- c) Campbell Soup, #7, page 187
- d) Lhotka (Kilimanjaro), page 180
- e) Jones (freezer), p. 188

3) Laches

- a) Read pages 142-144
- b) The first element - unreasonable delay
 - 1) are there excuses?
 - 2) are there exceptions?
- c) The second element - prejudice to the defendant
 - 1) evidentiary/defense prejudice
 - 2) economic prejudice

- d) Stone (the daughter of Hank Williams, Jr.), page 144;
- e) Vineberg (art from the Holocaust), page 153

4) Estoppel

- a) The purpose of the doctrine; #5, page 166
- b) The 6 factors (page 162)
- c) Simple example
- d) Geddes, page 160 (plaintiffs' complaint for trespass and nuisance against country club barred by defense of estoppel).
- e) John R., page 165 (estoppel used by plaintiff to bar the defense of the statute of estoppel); Beacom, page 168.
- f) Compare promissory estoppel.