**Sample Case Brief[[1]](#footnote-1)**

**Cite:**  *Conti v. ASPCA*, 77 Misc. 2d 61, 353 N.Y.S.2d 288 (Civ. Ct. 1974)

**Facts:** Defendant ASPCS conducted a demonstration with a parrot named Chester during which the bird escaped. A week later, a parrot with markings and colorings similar to Chester’s appeared in plaintiff Conti’s backyard and remained with Conti for two weeks before being caged. The ASPCA removed the bird after plaintiff called for information on parrot care. ASPCA  
claimed the parrot was Chester and belonged to the organization.

**Procedure:** Action for replevin – plaintiff wants the bird back.

**Issue:** Court identified two issues: whether the bird is actually Chester; and who gets him?

**Held:** ASPCA gets the bird because: court found the bird was Chester; and as a domesticated animal, Chester does have a true owner, whose rights are not lost when the bird escapes.

**Reasoning:** The key issue in determining ownership was whether the rule of ferae naturae applied. The rule states that an owner acquires only quliafied rights in a wild animal that are extinguished if the animal escapes. The court found that Chester was subject to training and discipline and therefore was not wild.

FGLP—Cohort 1

Summer 2024

**Legal Analysis Session 2: Assignment**

**Introduction:** In our Legal Analysis session on July 3, we discussed a **Sample Case Brief** of the *Conti v. ASPCA* decision. We also conducted research to find a relevant case that may help our client, Delivering Progress and Unity.

**Instructions:** Your assignment is to read and **brief** the *Arbogast v. Schaub* case. Include the following components in your case brief:

* Citation
* Story Facts
* Procedural Facts (Case History)
* Issues
* Holding
* Rules
* Reasoning
* Disposition
* Concurring/Dissenting Opinions (if any)

**Materials:** To complete this assignment, I am providing you will the following documents:

1. The *Arbogast* court opinion
2. The *Conti v. ASPCA* Sample Case Brief. Use this as a model when drafting your Arbogast case brief.

**Submission:** Please email your completed Case Brief to me at [mcue@depaul.edu](mailto:mcue@depaul.edu) by 11:59 pm on Tuesday, July 9. Please also bring your Case Brief to your Advanced LW 3 session on Wednesday, July 10.

1. From Nancy L. Schultz and Louis J. Sirico, Jr., Legal Writing and Other Lawyering Skills, Wolters Kluwer 6th ed., pp. 41-2. [↑](#footnote-ref-1)