

Popov v. Hayashi (WL 31833731 Ca. Sup. Ct. 2002)

<http://lawcasesummaries.com/knowledge-base/popov-v-hayashi-wl-31833731-ca-sup-ct-2002/>

Facts:

- A man reaches to grab a home-run ball
- He is mobbed and drops it
- The ball then rolls to another man, who was not involved in the mob
- The ball is sold on eBay for \$450,000
- The first man sues

Issue:

- Is 'almost' control good enough for possession? (US Case)

Held:

- The first man had a 'pre-possessory interest' that was interrupted by the second man
- "Possession is a blurred combination of law and fact"
- Gray's rule: you must exert possession over uncontrollable incidents
- It was necessary to punish the mob, but that was not possible
- Popov did not have full possession
- The most equitable thing to do was to split it evenly

Law case summary from www.lawcasesummaries.com