Shopkeeper’s Privilege—Pennsylvania. Our client, BigBox Retailer, is being sued in Pennsylvania state court by Wendy Ryder for false imprisonment and battery. As you know, BigBox Retailer is a local megastore, similar to Target and Wal-Mart, carrying a wide variety of retail products.

On January 2, 2015, Wendy was apprehended and detained by BigBox store security for suspected shoplifting at one of the BigBox outlet stores. According to the store manager, a BigBox security guard witnessed Wendy picking up a DVD from the floor of the store and placing it in her purse. As Wendy was leaving the store, this security guard stopped her and asked to search her purse. Wendy obliged. When the security guard found the DVD, he asked Wendy for a copy of her receipt, but she could not produce one. Without any further questioning, the officer placed Wendy in handcuffs (in accordance with BigBox store policy) and escorted her to a holding room where she sat alone for thirty minutes until the police arrived.

As it would turn out, Wendy was actually innocent of the shoplifting charges. After a brief interrogation in the store holding room, the police officers discovered that Wendy had purchased the DVD earlier at a nearby Best Buy. Apparently, the DVD was still in her purse when she entered the BigBox store and it fell out while she was shopping. The Best Buy receipt was in her car. Also, the police discovered that the DVD had a Best Buy price tag.

Now, Wendy is claiming that she suffered emotional damages as a result of this incident. We want to know if BigBox is immune from liability under Pennsylvania’s Retail Theft Statute. More specifically, we want argue that the actions of the store employees were reasonable under the circumstances and that they had probable cause to detain Wendy for shoplifting. Can we make these arguments? Does any specific case law support our position?

You will need to access and review the listed authorities with the proposed arguments in mind. Select the best of the authorities to cite in support of each argument, and make a separate list on a fourth page to list the authorities you selected to rely on and briefly explain why you selected those authorities and did not select others.

This document should be in the format of a memo discussion section. You do not need to label it “Discussion,” but you should use point headings where appropriate in your analysis.


