

MONTEREY COLLEGE OF LAW

TORTS

MID-TERM EXAMINATION

FALL 2015

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Instructions:

There are three (3) questions in this examination.

You will be given three (3) hours to complete the examination.

QUESTION 1

As Peter stepped on the City bus which he took regularly to work, he found the bus empty but for himself and the bus driver, so was able to sit in a well lit seat to read a newspaper, and enjoy his coffee.

Peter was the only person on the bus for a while, until a teenage boy entered the bus with loud music blaring from his phone. The bus driver told the teenager to turn his music down, but the teenager refused, and a heated argument ensued between the teenager and the bus driver. As the bus driver yelled at the teenager, he took his eyes off the winding country road, causing the bus to run over several mail boxes and garbage cans that were at the side of the roadway.

The bus driver then frantically overcorrected the direction of the bus, causing it to veer across both lanes of traffic, and crash into a large wooden fence. As the bus careened toward a barn at the side of the road, Peter began to scream, and rose frantically from his seat, spilling hot coffee all over himself, burning himself badly.

The bus-driver finally managed to bring the bus to a stop, and Peter ran over to the door of the bus - desperately wanting to get out of that bus. Peter shouted "please let me out!" but, to his dismay, the bus driver refused to let Peter out of the bus until the teenager handed over the phone from which the loud music was blaring. As the teenager continued to refuse to give the bus driver his phone, the bus driver became so fed up that he grabbed the teenager's phone, used it call the police to report the accident, and then, while gazing angrily at the teenager, he threw the phone to the ground and smashed it with his foot. After that, the bus driver opened the door to the bus, finally letting everyone out of the bus.

What claims, if any, would Peter have against the City?

What claims, if any, would Teenager have against the City?

QUESTION 2

You are a first year associate in a prestigious law firm, and have been assigned to represent Paul Plaintiff, who had been seriously injured while walking home from a wild party that his employer had hosted. Mr. Plaintiff had been drinking shots with his boss for several hours at the office party, and was so intoxicated he could not even find his car keys. He asked his boss to call him a cab, but his boss told him he would be better off walking - it might sober him up, and because he lived so close by (just down the street from the office) "a walk would be good for him". As Paul Plaintiff began stumbling home, he slipped on some trash that had been placed in the poorly lit alley behind the "Pig Out" Restaurant. In that fall, Mr. Plaintiff struck his head so forcefully that he was knocked unconscious. As Mr. Plaintiff lay unconscious in the dark alley, his left leg was run over by Mr. Driver, who was lost, and was trying to take a short cut down the dark alley where Mr. Plaintiff lay, in the hope of reaching his destination before it got too late.

Your research uncovered the following municipal ordinances:

Municipal Ordinance # 222

All Businesses must maintain the alleys behind their businesses free of food, trash or garbage that can attract rats or other vermin.

Municipal Ordinance # 400

All Businesses must keep the area around their premises well lit.

Municipal Ordinance# 501

Public intoxication is subject to a criminal fine of \$50.00.

State Law in the town where Mr. Plaintiff was injured prevents a Plaintiff from making a claim of negligence unless the claimant's negligence is less than the combined negligence of all of the other parties involved.

A partner in your law firm has asked you to address what causes of action Mr. Plaintiff may have, who the Defendants might be, what the likelihood of success could be expected for each claim, and what defenses, if any, might be raised in defense of each of his claims?

QUESTION# 3

Harry was planning to win a dart competition at his school, Hogwarts. It would be the first time that Hogwarts had won the dart competition in twenty years, so the audience packed the gym to watch the competition. Harry was nervous because his final competitor was a mean girl that Harry had met in past tournaments. Harry wanted to show her that he was better at darts than she was, so he secretly put some chemicals on his darts (against the rules of the sport) to make the darts go smoking fast. Harry hoped it would assure him a victory. As the competition went on, Harry grew concerned as he was scoring less points than his competitor, so he grabbed one of the chemical laden darts, and flung it as hard as he could toward the target. When the dart hit the bulls-eye - it exploded, causing the entire gym at Hogwarts to collapse and crumble, trapping everyone who had been watching the competition under rubble, and injuring everyone.

When Chubacka, a large gorilla who was the school mascot overheard the explosion, he became so frightened that he began jumping on and damaging every single car in the school parking lot.

What claims, if any, could members of the audience and the owners of all the damaged cars bring, and against whom could they make their claims?

1)

===== Start of Answer #1 (1318 words) =====

Peter v. City**Battery**

Is an affirmative act with the intent to touch another resulting in a harmful or offensive touching. ✓

In this case, Peter was a passenger on the city bus. The bus driver was in a heated argument with a teenager on the bus. During the argument, the bus driver lost control of the bus and got into an accident. During the accident Peter rose frantically from his seat, and spilled hot coffee all over himself, which burned badly. The elements of battery require an affirmative act with the intent to touch another which result in harmful or offensive touching. The bus driver was in an accident, and Peter spilled coffee on himself. Its safe to say the bus driver never had the intent to touch him. Peter might argue that he would have never spilled his coffee if the bus driver had not got into the accident, but it seems unlikely the bus driver would be found liable to Peter for battery.

False Imprisonment

In an act or omission with the intent to confine another resulting in actual confinement, with either the person being aware of the confinement or suffering an injury from the confinement. ✓

In this case after the bus was in the accident, Peter desperately wanted to get out of the bus. Peter shouted "please let me out!" The bus driver refused to let Peter out of the bus until the teenager handed over the phone from which the loud music was blaring. It was not until the bus driver smashed the teenagers phone, did he finally open the door to the bus, allowing Peter out. The bus driver appears to have the completed the necessary elements of false imprisonment of Peter. He omitted opening the bus door when Peter yelled for him to let him out. This showed he had the necessary intent to confine Peter (and the teenager) in the bus until he was able to get the phone. This resulted in actual confinement of Peter, which he was aware that he was being confined.

The bus driver would be liable to Peter for False Imprisonment.

Negligence

To be found liable for negligence the plaintiff must show that the defendant had a duty to him, that the defendant breached that duty to him, and that the defendant was the actual and proximate cause of that breach and the negligence resulted in damages.

Duty

The bus driver works for the City and is working as a common carrier moving people using a City Bus. The bus driver owes Peter the highest duty possible as a common carrier to ensure his safety and that of other passengers on the bus. *good!*

Standard of Care

The Standard of care that is owed to Peter is that of a professional bus driver. The bus driver would be held to that standard to determine if he breached his duty. The bus driver would be judged by what another bus driver with the same experience, knowledge, customs and practices in dealing with a teenager playing music. If it was not determined that the bus driver is a professional, then the Reasonably prudent person standard would be used.

Breach

Based on the facts that the teenager got on the bus with loud music and the bus driver continued to drive down a winding country road, as he argued with the teenager over the loud music seems to be very unreasonable. It seems the bus driver could have pulled the bus over and asked the teenager to leave, and if the teenager refused he could have called the police. The fact that there was no one else on the bus other than Peter, who had not complained about the loud music, but did seem to be enjoying the quiet bus ride seems unreasonable. The bus driver had yelled at the teenager, prior to taking his eyes off the winding road would support that the bus driver's duty to drive safer than normal people was breached.

Causation

Causation requires two elements to be met. The first element is actual (cause-in-fact) cause

and the second would be proximate cause, which is judged by foreseeability.

Actual Cause

Actual cause is the "but for" cause test. But for the bus driver arguing with the teenager and taking his eyes off the road, he would not have crashed the bus into mailboxes and garbage cans. The bus driver would argue that "but for" the teenagers loud music then the accident would have never happened. This argument is not persuasive because most teenagers listen to loud music from there phone and if it was disturbing the bus driver he could have safely pulled to the side of the road and asked the teenager to exit the bus, or better yet, never left the bus stop.

Proximate Cause

Proximate cause is the foreseeability test. Was it foreseeable that if the bus driver get into a heated verbal argument with a teenager while he is driving and then he takes his eyes off the winding country road, then he would get into an accident. This element seems to be easy to satisfy as it is reasonable to assume that anytime a bus driver is not paying attention or has his attention distracted then he could get into an accident.

Damages

During the accident, Peter spilled hot coffee all over himself which resulted in him burning himself badly. This satisfies the damages element.

The Bus driver would be liable for negligence to Peter.

Vicarious Liability

Using the same analysis above for negligence, the City could be found liable to Peter under Vicarious liability theory. This goes with Respondeat Superior. The bus driver is employed by the City and this accident happened as he was working as a bus driver, driving a city bus. The bus driver was not on a "Frolic and detour" but this was during the performance of his job specific duties. Therefore the City could be found liable to Peter under vicarious liability and responsible for his torts.

course and scope of his duties

Teenager v. City

False Imprisonment

In an act or omission with the intent to confine another resulting in actual confinement, with either the person being aware of the confinement or suffering an injury from the confinement.

Using the same False imprisonment analysis above, the bus driver intended to confine the teenager in the bus until he turned over his cell phone. The teenager refused, which lengthened the time of confinement, nor do the facts state the teenager wanted to get off the bus but he might not have been aware of his confinement, but it could be argued that he suffered an injury to his phone during the confinement.

The bus driver could be liable to the Teenager for False Imprisonment.

Trespass to Chattels

An intentional act which interferes with P possessory interest in movable personal which results in damages. The damages are based on the nature of the trespass.

The bus driver took his phone and used it to call the police.

Conversion

An act or omission with the intent to assert control over a chattel, which in fact belongs to P, resulting in substantial injury of the chattel. The damages are based on the fair market value of the property.

The bus driver then threw his phone on the ground and smashed it with his foot.

Vicarious Liability

Using the same analysis above for negligence on Peter, the City could be found liable to the teenager under a Vicarious liability theory. This goes with Respondeat Superior. The bus driver

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is employed by the City and this accident happened as he was working as a bus driver, driving a city bus. The bus driver was not on a "Frolic and detour" but this was during the performance of his job specific duties. Therefore the City could be found liable to the teenager under vicarious liability and would be held responsible for the actions of the bus driver.

==== End of Answer #1 =====

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2015 Tort Midterm Question #1 Point Assignment

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|---|-----------|-----------|
| Overall Presentation and Content: | 10 Points | <u>10</u> |
| Peter v. City: | | |
| Vicarious Liability/Respondeat Superior | 20 Points | <u>15</u> |
| Negligence | 20 Points | <u>20</u> |
| False Imprisonment | 10 Points | <u>10</u> |
| Battery | 10 Points | <u>10</u> |
| Teenager v. City | | |
| Respondeat Superior/Course and Scope | 20 Points | <u>15</u> |
| Trespass to Chattels/Conversion | 10 Points | <u>10</u> |

2)

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===== Start of Answer #2 (1926 words) =====

~~Prof Kreeft~~

Prof Kreeft

Q2

Negligence

Negligence is a doctrine of tort law in which an individual who has duty but fails to act as a reasonably prudent person (RPP), and that failure causes injury to another, may be held liable for damages in a court of law. (Duty, Breach, Causation-Actual, Proximate, Damages).

Duty: To act as a RPP would in the totality of the circumstances (TOTC). There is a heightened duty in special relationships, such as a common carrier to their passengers.

Breach: Failing below the standard of care. Breach may be determined in four main ways:

Reasonable Person Test (RPT): To act as a RPP would in the TOTC -

Negligence Per Se (NPS): Where there is a clearly defined statute which seeks to protect a specific class from a specific type of harm. To show NPS, the Defendant must have violated the statute, and the Plaintiff must belong to the class the statute exists to protect, and the harm must be a result of the type of activity the statute defines.

Res Ipsa Loquitor (RIL): Used when somebody "messed up" but we don't know who. RIP shifts the burden of proof from the Plaintiff to the Defendant. RIL has 3 elements: 1) The accident/harm would not have occurred without neglect 2) the

Defendent had sold control of the instrumentality 3) The Plaintiff did not contribute to the harm

Hand Formula: Burden to prevent the harm is less than the severity of the harm times the liklihood that the harm will occur.

Causation: What links the Defendent's (D) breach/acts to the Plaintiff's (P) harm. Actual Cause and Proximate Cause must be shown.

Actual Cause: The "but for" test - "but for" the D's actions, the P would not have been harmed. This is an empiracle test.

Proximate Cause: Under the majority Cardoza opinion, the harm must be a foreseeable result and the P must be in the "zone of danger". Under the minority Andrews opinion, if the P was harmed, he/she was a foreseeable P - also called the "butterfly effect." These opinions were crystalized in the *Palsgraf* case from NY.

Intervening Causes: There may be intervening causes (between the D's act and the harm) which do not cut the causal chain, and there may be supervening intervening causes that do cut the causal chain.

Damages: Injuty the Plaintiff suffered as a result of the D's breach of duty owed to the Plaintiff.

Paul v. Pig Out (Pig)

Negligence

(defined above)

Duty:

(defined above)

Pig owes a heightened duty of care to its customers and anyone who may be on their property since they are a business and it is implied that customers (invitees) will frequent their place of business. while we do not know whether Pig owns the land that Paul was on, the area where the trash is put is under their control, and thus they owe a duty to foreseeable plaintiffs. It is foreseeable that people walk in alleys.

| ✓

Breach

(defined above)

RPT (defined above): If a reasonable restaurant would not leave trash on the ground in alley, then Pig failed in its duty (breach. Paul may argue that a RP business would dispose of its trash in such a manner where it would not be accessible to slip on (slip & fall cases).

Negligence Per Se (defined above):

Ordinance 22

(1) did Pig violate the statute? The statute clearly states that all Businesses must maintain the areas behind their businesses free of food, trash or garbage - this element is in Paul's favor

| ✓

(2) Was Paul harmed by Pig's violation of the statute? Yes - Paul tripped over the garbage that was left.

(3) Was Paul a member of the protected class the statute exists to protect? No - the statute states the reason for the statute to keep vermin away from the

| *tripped!*

business - this appears to be a public health policy decision, rather than to protect pedestrians from slipping, tripping and falling.

Paul may not use Ordinance 222 to show Pig breached its duty.

Ordinance 400

(1) did Pig violate the statute? Yes - the statute calls for businesses to have areas around the premises well lit - the area was not well lit.

(2) Was paul harmed by Pig's violation of the statute? Yes - Paul will say that he was unable to see the gargage and therefore tripped over it.

(3) Was paul a member of the protected class the statute exists to protect? Yes - a area would be well lit to allow people, including drivers & pedestrains, to see, since it is easier to trip, fall, or slip when an area in poorly lit or not lit at all.



Paul may use Ordinance 400 to show Pig breached its duty

Hand Formula (defined above):

Under the hand formula, the burden of care to avoid the harm was very slight for Pig - simply putting in a higher watt bulb in their existing poorly lit light system, and to put the garbage in a secure container. The severity of the harm (people slipping, people being easier targets of crime, drivers not being able to see as well) is moderate, but when coupled with the liklihood that it would happen (people walk down alleys, cars and bikes drive down them) certainly outweighs the amount of effort it would have taken to fix the lighting.



Custom:

Pig might (likely unsuccessfully) argue that it is customary in this city for

businesses to put out garbage late at night.

Causation:
(defined above)

Actual: "but for" Pig putting the garbage on the ground level of the alley, Paul would not have slipped and fallen, and therefore he would not have been prone and unconscious when the driver drove over his leg under RPT.

"but for" Pig violating the lighting ordinance, Paul would not have slipped and it is likely the driver would have seen him.

Proximate: Paul was "in the zone of danger" because he was in the area directly behind the restaurant (it was foreseeable, and that is why there was a statute requiring that businesses keep the premises well lit), and he was a foreseeable plaintiff since it is well known that pedestrians use alleys.

Under NPS, the poor lighting caused Paul to not see the garbage as well as he could of otherwise.

Pig will be found to be the actual and proximate cause of Paul's fall as well as the ensuing, continuing danger he was in from lying prone in the alley - a car driving by ran over him - had Paul not fallen down and been knocked out, he would most likely have been able to avoid the vehicle.

Pig will argue that Paul's state of intoxication was a superseding intervening cause; had he not been so drunk that he could not even find his key, he would not have slipped. Pig will point out that Paul was so drunk that he was already "stumbling" before he got to the area behind their business.

✓

Damages:
(defined above)

Paul suffered a concussion & a broken leg.

Defenses

Comparative Fault
(defined above)

Pig will argue that Ordinance 501 was enacted for public policy to protect drunken people from subjecting themselves to injury while in public where it is likely more hazardous to be in a drunken state, that Paul violated this statute, and that the injury he received was a result of that - they will argue that public policy issues deem that there is less public cost to deal with public drunks. this would take care of Duty & Breach.

For Cause, Pig will argue that "but for" Paul being drunk, he would not have been walking home, and even if he had, he would not be "stumbling" along. Pig will argue that there was no intervening causes (in paul's comparative fault) to his falling, and if there were, he was still comparatively at fault (for example, even if Pig failed to properly light their area, Paul's intoxicated state outweighed their violation of the statute or their neglect under RPT & Hand).

Pig will also argue that the driver was at fault for not driving carefully.

Conclusion:

Pig will be found to be negligent in leaving out the garbage (under a theory of breach of Hand & RPT, NOT NPS), and negligent for not keeping the area around their premises well lit (under NPS, HAND, & RPT); however, it is likely that Paul will be found to have been comparatively at fault;

PAUL V DRIVER

ignores
Neglect

(see above for definition)

duty: Paul will argue that the driver owed a duty to drive carefully in the totality of the circumstances and be prepared to brake, especially in a dark alley.

Breach: The driver drove over Paul's leg, breaking it. Paul will argue that the Driver was not driving as a RPP would in the TOTC by having his mind occupied with not being late rather than driving safely. The driver would counter that he was driving careful, but with the poor lighting and the garbage on the ground, he simply did not see Paul's leg sticking into the area where cars pass in the alley.

Causation: Paul will argue that "but for" (actual cause) the driver driving negligently, he would not have driver over paul's leg. For Proximate Cause, Paul will argue that it was foreseeable that someone might be lying down in an alley (a homeless person, a drunk such as himself), and that with the darkened state of the alley, the driver would have had to exercise exceptional care as well as because of the narrowness of the alley. For this same reason (narrowness) Paul was in the zone of danger.

However, Paul can argue that if Driver were driving prudently, with his headlights on and at the slow speed due in an alley, he should have seen a leg sticking out.

Driver will argue back that Pig's NPS in not lighting the area properly and Paul's own NPS in violating Ordinance 501 are superceding intervening causes which cut the causal chain.

Damages:

Paul suffered a broken leg

Defenses

For the same reasons listed under Causation in this analysis, Driver will argue that Paul was comparatively at fault. He will argue that this was a complete accident.

conclusion: There is ~~nothing~~ in the fact pattern to show that Driver was driving negligently (not driving faster than conditions allowed, etc.) *not so sure... he drove over P's leg*

Paul v. Boss

not part of the fact pattern

As a licensee, Paul may argue that Boss had a duty to call him a taxi as it was foreseeable that he could get hurt while walking home drunk, that the Boss fell below this standard of care, and this caused the resulting harm. Homeowners have a duty to warn licensees of any potentially dangerous conditions in their home. However, homeowners do not have the same duty that "wet waiters (businesses that sell alcohol do)" do to ensure that intoxicated patrons do not drive away from the property. Boss's defense will be that Paul was able to walk, that he lived close by, and that he himself was also intoxicated.

FINAL CONCLUSION:

Paul will have to file a claim of negligence against Boss (which he will likely lose), Pig (which he will likely win, although he will be comparatively at fault, although likely less than 50% at fault), and Driver (which he may prevail against but since Pig will also be comparatively at fault, his apportionment will be less). He should file the claim, since his negligence will be less than the combined negligence of Pig & Driver

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===== **End of Answer #2** =====

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2015 Tort Midterm # 2 Point Assignment

Overall Content and Presentation

10 Points 16

P. v. Employer

Negligence

20 Points 18

P v. Pig Out

~~Strict Liability~~ Analysis: garbage

20 Points 18

~~neg. case~~
~~Strict Liability~~ Analysis lighting

20 Points 18

Plaintiff v. Driver

Negligence

20 Points 17

Analysis of Comparative Fault of Plaintiff

10 Points 8

~~8~~
89

3)

===== Start of Answer #3 (1025 words) =====

Audience V Harry (H)NEGLIGENCE

Negligence occurs when the defendant is found to have owed a duty to the plaintiff, breached that duty, and was the actual and proximate cause of the damages suffered by the plaintiff.

DUTY

The defendant owes a duty to the plaintiff to act as a Reasonably prudent person (RPP) would act under the totality of the circumstances. The Cardozo view states that the plaintiff owes a duty to plaintiffs within the foreseeable zone of danger and the minority Andrews view states that the defendant owes a duty to all plaintiffs.

Here, H owed a duty as an RPP to follow the rules of the dart game and not to secretly lace the darts with dangerous chemicals. The people had a right to a safe and enjoyable dart game without fear of dangerous exploding chemicals being used. H had a duty to participate in the dart game in a reasonably and prudent manner.

H most likely had a duty.

BREACH

Breach can be determined by ascertaining whether or not the defendants actions fell below that which an RPP would do under similar circumstances. Breach can also be determined by Res Ipsa Loquitor, Negligence Per Se, and the Hand Formula.



Here, H's conduct fell below that of an RPP when he broke the rules and laced his darts with a chemical that could be explosive or combustible. This activity could cause sever injury or death to bystanders.

H will most likely be found to be in breach.

CAUSATION

Causation links the plaintiffs harm to the defendants actions. The actual cause is determined by the "but for test" and the proximate cause is detrmind by the "forseeability test."

Nil

Here, but for H not lacing his darts with chemicals, there would not have been an explosion and the gym would not have collapsed. It was forseeable that using combustible chemicals on the darts, was likely to cause a fire or explosion.

H will most likely be found to be the actual and proximate cause of the the people's damages.

DAMAGES

Here, the people in the audience were injured. There are sufficient damages.

Contributory Negligence

No need to discuss defenses in any detail

Contributory negligence occurs when the plaintiff contributes to their own harm. Under

common law it was a complete bar to recovery.

Here, H will claim that dart games are dangerous affairs and that the people contributed to their own harm. This will fail because it is preposterous and dart games should not be unduly dangerous affairs.

Comparative Negligence

Comparative fault occurs when percentages of fault are apportioned to the plaintiff.

Here, H will claim that fault should be apportioned to the audience. This defense will fail for the reasons enumerated above.

Assumption of Risk

Assumption of risk occurs when the plaintiff assumes the risk by placing themselves in the foreseeable zone of danger.

Here, H will claim that the audience came to the dart show and they should have assumed that darts can be dangerous and that they entered at risk of peril. This argument will also fail because the audience should not expect a school dart match to be an inherently dangerous affair.

CONCLUSION

H will be found negligent for the audience's damages. Hogwarts may also be found vicariously liable for H's negligence under a theory of vicarious liability because the school sanctioned the event, and is responsible for the safety and conduct of all of its students while on the property. At an event like this, the school had a duty to conduct the event in a safe and undangerous manner.

NIED

Negligent infliction of emotional distress occurs when the defendant negligently causes another severe emotional distress with an actual physical and tangible injury.

Here, H negligently put chemicals on the darts, threw the dart, which caused an explosion that resulted in the gym to collapse. Everyone was trapped and received injuries which would undoubtedly result in emotional distress. There were tangible physical harms as a result. Even bystanders can be plaintiffs provided they are in the foreseeable zone of danger.

H will be found liable for NIED

FALSE IMPRISONMENT

Occurs when the defendant intentionally confines another to a bounded area for any amount of time without consent or privilege. ✓

Here, H threw the dart which caused the explosion and caused the gym to collapse. The people were trapped under the rubble and could not leave the bounded area.

H will be found liable for false imprisonment.

BATTERY

Battery occurs when there is a harmful or offensive touching of another without consent or privilege. ✓

Here, H threw the dart which caused the explosion and caused the gym to collapse. The debris injured the people in the gym.

H will be found liable for battery.

ASSAULT

Intentionally placing another in reasonable apprehension of an imminent harmful or offensive touching.

Here, H placed the audience in reasonable apprehension by throwing an exploding dart which caused the gym to collapse on the audience.

H will be found liable for assault.

IIED

Outrageous and extreme conduct which is calculated to cause and does cause severe emotional distress.

Here, H intentionally laced the darts with a dangerous chemical which caused an explosion and then caused the gym to collapse causing severe emotional distress to the audience.

He will be found liable for IIED.

Owners of Cars (O) V Hogwarts

STRICT LIABILITY

Defendant can be found prima facie negligent despite culpability. Strict liability occurs where there is abnormally dangerous or wild animals, abnormally dangerous activities, and Fletcher V. Rylands.

✓

Here, Hogwarts kept a Gorilla as a mascot on the school grounds. Gorillas are considered to be wild animals and therefore they are presumed to have dangerous propensities. The gorilla became frightened and damaged all of the cars in the parking lot.

✓
ncl

Hogwarts will be found liable for any damage caused by the gorilla in a theory of strict liability despite how the animal became frightened or who caused that fright.

TRESSPASS TO CHATTELS

Intentional interference with the property of another.

The gorilla interfered with property of the car owners.

CONVERSION

The unwarranted dominion and control over the property of another.

The gorilla exercised unwarranted dominion and control by destroying and damaging the cars.

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End of Answer #3
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Good job

ID:



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END OF EXAM

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2015 Tort Midterm Question # 3

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|--|-----------|-----------|
| Overall Content and Presentation | 10 Points | <u>10</u> |
| Negligence | 30 Points | <u>27</u> |
| Battery | 15 Points | <u>13</u> |
| False Imprisonment | 15 Points | <u>13</u> |
| Ultra-Hazardous Activity (foreseeable damages...?) | 30 Points | <u>27</u> |
| | | <u>90</u> |