

Empire College School of Law  
Professor Burtnett  
Law Studies & Exams – Midterm  
Thursday, December 01, 2011

Category: TORTS (1 Hour)

For the first time, Sam brought his girlfriend Lin to his parents' house for Thanksgiving. Lin really wanted to impress Sam's mom by helping her cook, but Sam knew how fussy his mom was about her kitchen. "Don't worry," Sam told Lin, "I'll make sure she lets you help."

When Sam went to get eggnog for his parents, Mom told him, "Not too much rum, dear." He agreed, but poured a double shot of rum and Mom was soon dozing in her easy chair. Lin prepared the turkey by herself and stuck it in the oven. She set the temperature too high, however. Lin also left the turkey in too long, because Sam's six-year-old sister, Amy, wanted to see what happened when she dropped Lin's cell phone (with its alarm set) in the dog's water bowl. The turkey caught fire and the flames spread to parts of the kitchen before Sam and his dad put out the fire. Sam threw the still-smoking carcass outside, where it set fire to some leaves before rolling into a puddle.

Sam's 12-year-old brother, Jon, and his classmate, Nic, ignored the smoldering leaves and retrieved the charred turkey. They thought it would be cool to roll it down the steep hill that led to Jon's house. They tossed it over one corner of their vegetarian neighbor Val's yard, past her "No Meat on the Premises" sign, and it rolled down the hill.

The turkey rolled faster and faster, right into the path of driver Deb, who crashed when the big black lump hit her windshield. The paramedics strapped Deb to the gurney, but before taking her to the hospital, they stopped for a minute to watch the firefighters put out the leaf fire, which had spread to Sam's parents' garage. The delay caused Deb to slip into a coma, increasing her hospital stay by a month.

Discuss all torts.