

**Exam Question 1**  
(One Hour)

Jill personally inspects the apple orchards producing the organically-grown fruit for “Jill’s Juice.” She markets the renowned juice nationally, touting its hand-picked goodness. Celebrities are photographed happily drinking Jill’s Juice; hipster bartenders in chic restaurants mix it into their libations. Jill recently hired new factory manager Paul. Determined to make the business even more profitable, Paul instituted a series of increased productivity measures, including a reduction in the number of workers inspecting the fruit going into the massive juicer.

Norm rents a tiny room just a block from the Jill’s Juice factory. Most of the space in Norm’s apartment is taken up with his collection of exotic reptiles, including his most recent acquisition, the rare Jalla lizard. It is illegal to import or possess a Jalla as the tiny creature produces a virulent poison as a defense to predators. Unaware of how small the creature could make itself to enter small spaces; Norm put it in a cage with narrow gaps between the glass walls. The lizard escaped and scampered toward the factory, drawn by the tantalizing smell of fruit, its favorite food.

Creeping into the factory, the lizard happily leaped onto the conveyor belt carrying crushed apples to the juicer. The reduced number of factory employees rapidly inspecting the fruit didn’t see the lizard among the apple-bits. The Jalla was soon a liquefied ingredient in about 90 of the 20,000 bottles of Jill’s Juice bottled that day.

The first of the tainted bottles were put on store shelves in a neighboring city within hours. Tess picked up one of the tainted juice bottles for a post-workout refresher. Arriving at the check stand, Tess found she had left her wallet at the gym; she slipped the bottle into her bag and casually walked out of the store, resolving to pay for it the next time she was in. Joining her friend Al at a nearby table, Tess opened the bottle. The first sip brought a startled gasp: “Jeez this is bitter,” Tess complained. Al warned Tess not to drink it, as he had read of spoiled fruit juice harboring bacteria. Tess laughed and said “I’ll chance it. No bacteria can hurt me; I’m Tess the strong and righteous!” Within minutes Al was frantically calling 911. The paramedics took her lifeless body directly to the coroner’s office.

Two more fatalities were reported the same day and six the next. The coroner’s investigator quickly learned that each had consumed some strange-tasting Jill’s Juice just before being stricken. Emergency warnings were broadcast on local media. Novice newswoman Jan saw her big opportunity--she produced a write-up of the disaster within hours. Her story stated that Jill had been convicted of selling meth to children some years before; Jan’s source for this information was her drunken boyfriend, who thought it would make a more interesting story. Jill had never been arrested. Jan’s employer ran the story on the front page of the newspaper the next morning. The story went viral in the national media. Horrified by the tragic poisonings, the apparent demise of her business, and the stories about her, Jill drowned herself in the still-full juice vat among the silent machines in her factory.

Discuss the civil liability issues presented in light of the principles of tort law you’ve learned this semester.

**Exam Question 2**  
(One Hour)

Del was twice an Olympic medalist in skiing, parties with billionaires, and was recently named the handsomest man on earth by Vanity Fair. He shocked his adoring fans by announcing that he now intended to become the heavyweight boxing champion.

“Oh no you aren’t” his business manager, Joan, told Del. “Your product endorsements bring in \$10 million a year; they won’t pay that if your face looks like a truck ran over you.” Del disdainfully replied that he didn’t expect to be hit; he was too quick and smart.

Joan was not surprised to get a call from Sir Designs, one of the largest sources of Del’s endorsement income, expressing extreme displeasure that Del would “denigrate” Sir Design’s image by engaging in the working class sport of boxing. Sir Design’s said that they would pull their advertising if Del pursued his boxing career. Del was pleased; boxing promoter Lou had promised Del an early opportunity to box for the title if Del would rid himself of the image he had of representing, in Lou’s words, “wimpy designers and caviar-munching rich jerks.” Lou specifically named Sir Designs as one account that Del would have to abandon. Lou planned to make Del the centerpiece of his boxing empire.

Del’s new boxing coach Rocko came into Lou’s office with a page from Del’s medical records Lou had illicitly obtained by having his computer expert hack into Del’s doctor’s computer. “We got a problem. Del fell skiing a few years ago and got a concussion. This brain surgeon’s report says he’s could die if he has another head trauma. The kid didn’t tell us cause he thinks he ain’t gonna get hit. No way the boxing commission will clear him to fight with this info in the record.” Lou picked up the phone, gave his expert the page number of the report, and hung up. “Now there is no report,” he said.

A clerk in the state boxing commissioner’s office called Rocko just a month before Del’s first fight, informing him that review of his application to renew his state license as a certified boxing trainer was being denied. “What for?” asked Rocko. The clerk said that Rocko’s application listed “None” on the line for religious preference, and that the new boxing commissioner, a very religious man, had instructed that no atheists could be licensed. Rocko was devastated; boxing was his life and Del was his last chance to coach a champion. After a sleepless night, Rocko decided to pretend he never got the call.

The night of the big fight, Rocko spotted an inspector from the boxing commission showing a badge to the security guards and Rocko thought he might be arrested before the bout. Rocko directed his assistant Slug, an aging former fighter, to “keep that guy away from me tonight.” When the boxing inspector entered the locker room asking for Rocko, Slug beat him senseless and locked him in a closet, where a janitor found him still unconscious after the fight in which Del was knocked out in the first round and died minutes later from head injury.

State Athletic Commission Regulation 164 states: “Promoters of any professional bout must ensure that each boxer undergoes a complete medical examination prior to the event.”

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