

QUESTION 1

Known in the world of cat fanciers as the professional breeder of the world's largest domestic cats, Greg was confident his new idea would earn him millions and make him forever famous. Not satisfied with the 30 pound felines now produced by his breeding farm outside the city, he contracted with a shady character to secretly import an adult female Bengal tiger. Greg was sure his largest male breeding cat could successfully woo the tiger and produce a line of 60 pound domestic cats that Greg would own and sell exclusively.

The large compound Greg had prepared for his new acquisition was enclosed by a wide moat and a 12 foot iron fence. Unfortunately Greg had never seen the videos of tigers happily swimming large rivers or leaping up to tree limbs 15 feet above the ground. In an abundance of caution, Greg also fitted 3 electronic "Kat Kollars" end-to-end around the still-unconscious tiger's neck. Advertised by its maker as "The only shock collar guaranteed to subdue even the largest, fiercest cat!!!", the photos on the front of the Kat Kollar box depicted an angry house cat converted to meek obedience by a single shock administered through the Kat Kollar.

Greg and his apprehensive assistant Jane watched as the sedated tiger regained consciousness. As the magnificent animal slowly stood, Jane's eyes widened and she began to walk backwards toward the house nearby. When the now fully conscious animal's roar shattered the evening's quiet, Jane whirled and sprinted for the house. Greg stared open-mouthed as the cat strode into the moat and swam powerfully to the other side. Fumbling at his belt for the remote control for the Kat Kollar, Greg watched in horror as the huge creature leaped effortlessly to the top of the iron fence, balanced momentarily, and dropped to the other side. Greg thumbed the "Shock" button on the Kat Kollar repeatedly, but the tiger kept running; he concluded the tiger must be out of range.

Jane emerged from the house bearing her hunting rifle. "No!" shouted Greg. "You can't shoot her!" He tore the gun from her hands and hurled it over the fence to splash into the moat. Jane pulled a very large pistol from her holster and pointed it at Greg. "I'm going to stop your pet before it hurts anyone. I'll shoot you if you interfere." Greg wisely stood aside; Jane ran into the woods after the tiger. Keeping a safe distance, Greg followed.

Sue was taking her usual afternoon stroll with her two dogs through the woods separating her property from Greg's when the dogs began to bark excitedly and run toward some movement in the bushes. The angry tiger emerged to confront the yapping dogs; Sue grabbed a rock and ran forward to save her dogs. Jane arrived at the scene in time to see the tiger disembowel one of the dogs and turn, growling, toward Sue. Jane quickly fired at the moving tiger but her bullet struck Sue's other dog, killing it instantly. Sue turned in fury and hurled the rock at Jane, striking her arm and dislodging the pistol. The tiger knocked Jane to the ground and began to paw her. Greg emerged from the woods and activated the Kat Kollar, which did nothing to slow the tiger's attack; it sank its fangs into Jane's neck, severing her spine and carotid artery. The tiger was captured the following day and returned to India.

Discuss the civil liability issues presented in light of the principles of tort law.

QUESTION 2

Liz was the most famous chef in the city; her face was better known than the mayor's. Always seeking something new for Oz, her restaurant, Liz generated a fresh storm of interest when she began serving dishes based on the local pigeons captured by enterprising members of the homeless community. Some patrons were eager to try the new items, others were repulsed, but most agreed it was a good way to employ the homeless and reduce the flocks of pigeons that beset the city.

On his own initiative, Joe, an inspector with the county health department, visited Oz to review the safety of pigeon cuisine. The kitchen staff had little patience with Joe's questions, so Joe angrily confiscated the health department-issued work permits for all the kitchen workers, declaring they couldn't work again until he felt they deserved to have their permits back. Joe ignored Liz's pleas for an opportunity to present evidence of the safety precautions she took and stormed off with the work permits, saying he would keep the permits until he felt Liz had learned her lesson.

As the newest report of the city's newspaper, the Daily Times, Nan eagerly followed up on Joe's call to her. Joe told Nan he was "checking on possible health violations at Oz." Asked if Liz's customers were in any danger, Joe told Nan, "Only if the pigeons aren't properly cooked." When contacted, Liz invited Nan to come to dinner and see the kitchen preparing the pigeons, but Nan's editor wanted the story to be written that afternoon. The Daily Times' evening edition headlines proclaimed "Chef Liz Poisoning City with Raw Pigeon Meat!" The photos accompanying the story purported to be of a street person picking up a dying pigeon to sell to Liz, but was really a photo of Tom, a local citizen who picks up trash in a one-person campaign to beautify the city.

Liz had desperately hired some temporary kitchen helpers when her regular staff was deprived of their work permits. The local kitchen workers union began to picket in front of Oz, carrying signs warning prospective customers that dining there could be fatal. Some customers turned away; others ignored the picketers and went in. Short-handed, Liz was unable to supervise her staff as she normally did and was unaware that newly-hired Shorty was adding toxic lye to the dishes he prepared, as vengeance for Liz having refused to hire him some years before. As the lye began to erode the diners' stomachs, chaos broke out in the dining room. Those poisoned with the lye screamed in sudden agony; diners not poisoned assumed the Daily News headlines and picketers warnings were true and panicked as well.

Sirens announced the passage of paramedics speeding to the scene. Drunken driver Robert refused to yield to the ambulance at an intersection; the collision sent his car spinning into a crowd of pedestrians, killing two. The crash delayed medical care for the diners poisoned at Oz; some died.

State law AC 22 was valid at this time: "No establishment serving food in this state shall purchase ingredients from any source other than an inspected and licensed wholesale vendor"

Discuss the civil liability issues presented in light of the principles of tort law.