

QUESTION 1
(One hour)

Curious about the strange noises at 8 a.m., Jen stepped into her back yard to investigate. A construction crew atop her neighbor Phil's two story house was building what appeared to be a framed canopy that extended over Jen's yard. Phil stood below, a look of surly triumph on his face. "What are you building, Phil?" she asked, dreading the usual contemptuous reply from her angry neighbor. "A sunshade. For shade. From the sun." Phil explained, as if to a child. "But stretching out like that over my house it will block all the sunshine from my yard, and the solar panels on my roof," Jen exclaimed. "Too bad, Ms. Environmentally Correct. Why don't you sue me? My lawyer will stall you for years," Phil snarled before stalking back into his house, his attack-trained dogs following close behind.

A few days later, Phil looked out his bedroom window and saw workers completing the installation of a large, curved mirror atop a small tower on Jen's roof. Opening the window, he shouted "What are you idiots doing over there?" Jen smiled up from her yard, and replied "I'm going to focus the last bit of sunlight you left me directly onto my solar panels. Maybe that will brighten your day, Phil."

When he saw Jen drive away a few hours later, Phil extended a long plank from his window to Jen's roof. Carrying a can of black spray paint, he crossed the divide between the houses. Reaching the mirror, he raised the hand holding the spray paint toward the mirror and, unknowingly, into the invisible, focused beam of sunlight. Phil shrieked as his hand was instantly barbecued; the superheated spray can exploded in a black cloud, blinding him. Phil clutched his sizzling hand and staggered blindly forward, striking the edge of the mirror, which re-directed the intensely-focused beam of sunlight toward the street.

Driving toward her neighboring house, Lucy was instantly and permanently blinded by the mirror's errant beam. Lucy's car continued forward, knocking over the traffic light at the corner and crashing into the stream of cross traffic. Police responding to the accident were also directed by alarmed pedestrians to the screaming maniac on the roof of Jen's house, who seemed to be connected with some kind of dangerous condition affecting people and cars on the street.

Phil, still staggering blindly around the roof, screamed curses and threats in response to the police officers' orders to raise his hands. One of the officers inadvertently stepped into the invisible beam; his bullet proof vest saved his life but his shirt burst into flames. Believing that Phil was directing the beam at them, the police took cover. Officer Tina leaped over the fence into Phil's yard and was instantly set upon by Phil's attack dogs. Inspired by the sudden emergency on his first day as a police officer, Brett leaped into his patrol car and used it to crash through Phil's fence. Sadly, Brett's rescue attempt pinned Tina between the car bumper and the garage door, causing serious internal injuries. Ignoring Tina's moans, Brett pulled his gun and fired at

the fleeing dogs, missing both but striking a watching bystander down the street. The other spectators fled in panic, some of them running into the path of the mirror's beam; they fell screaming to the street. Believing Phil to be directing the beam, the police officers began to shoot at him. Fatally wounded, Phil fell backward, striking the mirror again. The burning beam now pointed at the wooden siding of a nearby home, which was soon consumed in flames.

Discuss the parties' rights and liabilities under the theories of tort law you've learned.

QUESTION 2
(One hour)

For businesswoman Lucy, opening day at Fun City, her new amusement park, was anything but fun. The plumbing in some of the bathrooms had failed, her outer office was full of disgruntled customers demanding their admission costs be refunded, and now her chief engineer was predicting catastrophe if her most popular ride didn't reduce the number of riders.

"The control panel circuits for the Vortex ride are overheating! The voltage limiters could fail, putting the ride into Warp Speed!" exclaimed design engineer Scotty. Lucy had a vague recollection of earlier warnings from the engineer about Vortex, the world's largest human centrifuge. Scotty, a crazed genius, had designed the Vortex to spin fast enough to pin riders flat to the wall, but the risk lay in the fact that the momentum gained by the spinning cylinder increased with the number of people aboard. Scotty had designed it for 100 riders; Lucy had allowed the rider operators to cram 200 on each ride, to maximize the number of paying riders. Lucy nodded in time with Scotty's waving hands, while she texted her backers to expect above anticipated income from the opening day ticket sales. "Umm, yes, well, turn some fans on it or maybe some ice in buckets, OK?" she suggested to Scotty, ushering him out the door. Scotty shoved the slower moving members of the dense crowd aside as he rushed back to his beloved Vortex.

Assistant engineer Adam, still seething that Scotty's design had been chosen over his, had used Scotty's absence to disable the emergency stop switch on the Vortex. Trained and certified Vortex ride operator Mindy saw and understood Adam's sabotage and confronted him: "I'll tell Scotty and the police what you've done!" Adam struck Mindy with the heavy wrench in his hand and dragged her unconscious body into a storage area beneath the ride, locking the door from the outside as he left.

Returning seconds after Mindy confronted Adam, Scotty enlisted teenager Jill from the passing crowd and told her to slowly apply the braking motors to the ride as he reduced the power. Jill did as directed, but it was far too late. The Vortex had already begun hurling riders out of the cylinder in every direction, to come crashing down with sickening force among the screaming crowd below. When Scotty found the emergency stop switch disabled, he tore the electrical cable from the motor, cutting the power. The Vortex, having ejected all the riders, slowly spun to a stop. Its main bearings melting, the crippled machine tipped sideways, crushing the storage area with unconscious Mindy inside.

The local hospital was overwhelmed by dozens of ambulances and private cars carrying injured and dying Fun City patrons. Emergency room doctor Norm, still feeling the effects of his all night bachelor party, couldn't decide who should be treated first: the child who was crying because a soda splashed into his eye or the unconscious woman with an apparent skull fracture. As he drunkenly rinsed out the child's eyes, the woman slipped from coma into death.

State Health Statute 166 was valid at this time: “To ensure the public safety, no amusement park or carnival shall allow any ride to be operated by persons not certified by this state agency.”

Discuss the parties’ rights and liabilities under the theories of tort law you’ve learned.