

QUESTION 1 – ONE HOUR

Tina was the star pupil at “Mayhem & Poetry,” a school of martial arts and haiku. Her poems were like floating clouds; her rapid punches like hammer blows. She and new student Rick had just completed their calligraphy exercises and entered the ring for some sparring. Ignorant of how deadly this woman could be, Rick said “Don’t worry. I’d never hit a girl.” Seething with contained rage, Tina smiled and replied with a short left hook to Rick’s face. Putting both hands to his broken nose, the now-terrified Rick backed away from Tina’s whirling arms and legs but was soon cornered; he pulled his cellphone from his pocket and hit 911.

The emergency operator could barely understand Rick’s shrieks for help but did get the address. By the time sirens were heard approaching, studio manager Bruce had pulled Tina from Rick’s bloody, motionless body and was trying to revive him. Her bloodlust unappeased, Tina assumed the Deadly Spider pose and moved forward again. Officer Lou, the first of the police to arrive, entered the room just as Bruce turned from Rick’s motionless body to deliver a hard right to Tina’s forehead, a move that had always before roused her from her murderous moods; this time it damaged her optic nerves, immediately blinding her.

Seeing Bruce strike Tina as he stood over Rick’s mangled body convinced Officer Lou that Bruce was a dangerous suspect. Pulling his pistol, Officer Lou commanded Bruce to lie on the ground. Bruce, distracted by Tina’s screams and frantic gestures, moved forward to help her. Believing Bruce was about to again attack Tina, Officer Lou tackled Bruce. As they struggled, Officer Lou’s pistol went flying across the room, landing at Nan’s feet. Awkwardly clutching the pistol, student Nan attempted to calm her now-blind friend Tina but inadvertently pulled the trigger. Tina collapsed with a spreading bloodstain on her shirt. Still clutching the gun, Nan turned and pointed it at Bruce, shouting “This is your fault and you’re going to die!” Bruce ducked just as Nan fired; the bullet missed Bruce but put a hole in the wall and shattered the stained-glass window of the cathedral across the street.

Nan fled, closely followed by Officer Lou. They neared a busy intersection just as truck driver Jeff steered for the curb in response to more sirens. Nan sprinted from between two parked vans just inches from Jeff’s bumper and was knocked flying into the intersection by the truck. Cross traffic screeched to a stop as the leading car hit airborne Nan. Officer Lou reached over her inert body, retrieved his pistol, and stepped into a nearby bakery for a doughnut. Nan died at the scene.

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

QUESTION 2

The audience for the 8 p.m. performance of the new hit musical “Idiots in Love” was quieting as the orchestra began the overture. Star and celebrity diva Nora was finishing up her voice drills in her dressing room, attended by her new boyfriend, Sig. Ambitious understudy Diane was lingering outside Nora’s door, waiting to hear the choking gasps she expected when Nora completed her pre-performance ritual with the herbal concoction from her jeweled throat spray bottle, which Diane had emptied that afternoon and replaced with a powerful acid. She heard instead Sig’s cries and whimpers from Bon-bon, his toy poodle. Thinking the bottle contained perfume, Sig had sprayed it on Bon-bon. Dropping the bottle, Sig rushed from the room with his dog, shrieking for help.

Stage manager Mike was outraged by the loud noises Sig and Bon-bon were making backstage. Mike shoved the pleading Sig and his howling pet into a broom closet and locked the door; they were found by the janitor late that night. Mike ran to give Nora her two minute announcement, but when he entered her dressing room he found Nora unconscious on the floor. Holding the champagne bottle that she had used to conk Nora behind her, Diane sighed: “Oh, my; another overdose. I shall rescue the show.” She swept past the dumbfounded stage manager and ran for the stage. Mike dropped to his knees beside Nora and began to mimic the resuscitative motions he had seen depicted on television. His earnest but awkward attempts to force air into the already breathing Nora prevented her from inhaling and she suffocated, Mike’s lips still pressed to hers.

Diane assumed the center position just as the curtain rose. The audience, expecting beloved diva Nora, began to murmur. When Diane joined the opening number a beat too early and clearly off-key, the catcalls began. The conductor quickly signaled his orchestra for more volume, which Diane took as a cue to increase her now uncertain and grating warble. Theatre critic Beth rose and proclaimed “She should be FIRED!” Elderly Paul, seated nearby, heard only Beth’s last word, and that imperfectly. Struggling to his feet and waving his cane, Paul shouted “FIRE! EVERYONE OUT!” The panicked crowd surged for the exits, but the house manager had allowed hundreds of sanding-room-only ticket holders to enter; the house had seating for 640 but almost a thousand people were now fighting to escape. Four ticket holders died in the stampede. Bon-bon lost her snowy fur and Sig abandoned her on the street, where she soon died of exposure.

The state’s fire code included at this time the following law: “FSC 14-- No performance venue shall permit a greater number of persons as audience within the site than may be simultaneously seated.”

The state’s penal code at this time included this section: “PC 212-- Any person who intentionally and falsely warns of a fire in a public setting is guilty of a misdemeanor.”

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