

**QUESTION 1**  
**(One Hour)**

Sunset cast a golden glow over the city as Ali kicked the stubborn door lock on her aging van, the platform for her mobile bar, “Nomad Lounge.” Cursing the engine to life, she repeatedly shoved the gearshift until the transmission found first gear; the van left the parking lot in a cloud of blue smoke. Ali drove cautiously to the other side of town to pick up her partner Liz; the van then bumped and bounced to the address of the concert they had contracted to work that night. “It seems like it takes longer to stop this thing now, Ali” observed Liz. Ali agreed: “Yeah, I think the brakes are giving out.” The van backfired as it wobbled down the street.

Arriving at the warehouse address they had been given, Ali parked in the corner of the lot farthest from the warehouse venue and the rowdy crowd waiting to enter. Tom, the producer of the live music event, gestured wildly at them as he shouted into his phone. “Are we located OK to set up?” Liz shouted at Tom. Tom waved again as he was led away by some band members arguing about the sound system. Assuming they were well situated in the lot, Liz and Ali opened the side panels of the van and began pouring beer and shots for the long line of thirsty fans.

Neighboring business owner Jeff pushed to the front of the line and put two large fists on the bar: “You’ve got 30 seconds to move this rolling dive bar off my property or I’ll take it—and you--apart.” Ali rejected the suggestion with one of her own, adding “Tom told us to park here. Take it up with him.” Gentlemanly Albert, waiting patiently for his beer and triple shot, objected to Jeff’s tone toward the two women. Clutching his large wooden umbrella, Albert stepped toward Jeff, saying “You are disrespectful, sir. I shall be forced to...” Albert never finished his reprimand because Jeff dislocated Albert’s jaw with a punch. Jeff gave the unconscious Albert a kick in the stomach and stomped his glasses into the asphalt before he walked away.

Tom saw the enraged Jeff approaching and remembered that he had meant to tell Ali and Liz to move the Nomad Lounge off Jeff’s portion of the parking lot, but in the chaos of the evening he had forgotten. Standing behind three of his bouncers, Tom assured Jeff the van would be move as soon as the concert was over.

Cursing as he shoved his way through the throng around the mobile bar, Jeff jerked open the driver’s door of the van. The van lurched forward across the parking lot, narrowly missing revelers as it headed for the street. Liz and Sue desperately clutched at the bottles that began to spill from the open side of the van as Jeff turned sharply onto the busy street. Speeding toward the red light at the next intersection, Jeff slammed the brake pedal to the floor but the van never slowed before striking a blind woman and her service dog, killing them both.

State Statute VL 121 was in effect at the time: “It is unlawful to operate a motor vehicle while any open container of alcoholic beverage is immediately accessible to the driver or the vehicle’s passengers.”

Discuss the incidents above in light of the principles of tort law you’ve learned this semester.

**QUESTION 2**  
**(One Hour)**

The manager of the municipal public pool hired Sam as one of the new summer lifeguards. Though he had never worked as a lifeguard, 16 year old Sam was a star on his high school swim team. Because he needed a full crew of lifeguards to operate the pool, the manager told Sam he could start work without the required completion of lifeguard safety and CPR classes but should take the training as soon as it was next offered.

The pool was full of antic children the day Sam began his lifeguard duties. Pale teens lay in the sun. A few dedicated swimmers occupied the lap lanes. Sam sat atop the elevated platform at the edge of the pool, proudly wearing a shiny whistle on a cord around his neck.

Jill stood by the concession stand, speaking to no one and watching Sam. Jill had been devastated when the manager told her she wasn't being re-hired as a lifeguard this year because of the many complaints about her temper. When Sam was confiscating a forbidden glass bottle from a older woman, Jill entered the pool machinery room with the key she had kept from last year. Among the whirring pumps and filters, Jill extracted a heavy glass bottle from her bag and emptied the powerful acid it contained into the inflow valve. Within minutes, children near the water inlet at the shallow end of the pool began wailing. Parents pulling their children from the pool felt the acid burning their arms. Jill raised her arms in triumph, screaming "The acid can't be washed off—your children will die!" Shouted warnings and screams of pain added to the growing panic. People attempting to scramble from the tainted water collided with those running for the pool exits; those who fell were trampled by others.

Uncertain of how to manage the crisis, Sam unwittingly added to the spreading hysteria by activating the main alarm. The deafening shriek of the alarm prevented any communication and further terrified the fleeing patrons. In the stampede toward the exits, little Billy was knocked out when he hit his head on the edge of the pool. His unconscious body slid into the pool; the acid-tinged water caused his throat to close. Sam dropped the phone on which he had punched 9-1-1 and leaped into the pool to save Billy. The police dispatcher reacted to the anonymous call by sending the nearest patrol car.

Sam's skin began to burn as he lifted Billy's limp body from the pool. Realizing that Billy wasn't breathing, Sam began awkwardly mimicking the motions of CPR he had seen in a movie some months before. His ineffectual efforts were interrupted when Jill struck him from behind with the empty bottle and tore the whistle cord from around his neck. Sam rose, bleeding, to turn and confront his attacker.

The two police officers to arrive heard only a few shouted words from the fleeing patrons over the still pulsing alarm bell, including what sounded like "...killing everyone..." Entering the locker room, their throats began to itch from the acid fumes emanating from the pool. Drawing their weapons, the officers emerged onto the pool deck to find a frightened-looking Jill backing away from bloody Sam, who stood over the motionless little Billy. Novice officer Vince fired all 7 bullets from his pistol at Sam; two struck Billy and one struck Sam in the head. Both died at the scene.

Discuss the incidents above in light of the principles of tort law you've learned this semester.