

### QUESTION 1

The new convention center complex designed by renowned architect Mae Anders was expected to reinvigorate the depressed city. Mae and her team were putting final touches on the enormous Grand Concourse, the main building of the complex. “What about the new spectrum-shifting lights?” Mae asked. “Her science consultant replied: “The only potential problem is that some non-human species of mammals seemed to be adversely affected. So as long as they don’t book any whale or chimpanzee conventions we should be fine.”

The Hillsdale Dog Show was one of the largest national competitions; it was the first big event for the new convention complex. Thousands of furry entrants and their anxious owners gathered in the Grand Concourse to compete for blue ribbons and a chance at national fame. By the second day of the event, some of the owners were voicing concerns that their dogs were behaving oddly. When Will, the Concourse manager, called Mae about the possibilities, Mae told him about the new lighting technology that might be jangling the dogs’ nerves. “Well,” Will sighed, “whatever it is, we can’t let it spoil this opening event.” Will ordered the main lights turned down from level 5 to level 2, hoping for the best.

The dogs’ odd behavior diminished with reduced lamp intensity in the Concourse. The event was proceeding smoothly toward the final competition. Television and film crews were setting up to record the show’s finale when angry shouts erupted from the owner’s seating section. Stan, a diminutive older man with a leashed Great Dane, was shaking his fist at former Olympic weightlifter Ann, who held a tiny terrier in her enormous hand. Both were cursing and shoving; judges pushed the owners apart. Stan was still shouting about “shooting wild dogs and Amazons” as Ann stalked off.

Film crews were focusing cameras and selecting view angles as Concourse staff bustled about for the last event of the dog show. Finding the light levels were too low to assure good viewing, a news film producer, sharing a bottle of vodka with a Concourse technician in the lighting control booth, asked the friendly technician to increase the brightness of the main lights. In his drunken state, the technician turned the lights from level 2 to level 10, the maximum. The crowd was dazzled by the intense, color-shifting lights; the dogs instantly reverted to the wild. Placid hounds became howling beasts. Irish setters leaped for human throats. Pekinese gnawed at ankles and lapped the blood. The screaming crowd rushed for the exits, trampling the old and the slow. Stan attempted to restrain his enormous dog, but his hand was caught in the collar; he climbed atop the crazed animal and held on. Ann, astonished by a savage bite from her own beloved dog, saw Stan approaching on his galloping steed. Remembering Stan’s muttered threats against her, Ann grabbed a chair and hurled it at Stan. The chair missed Stan but stuck Lynn, knocking her unconscious. Ann was horrified at the thought her parole might be revoked because of this accident; she dragged Lynn’s limp body into a storage room and locked the door from the outside. In a panic, manager Will triggered the Concourse security system which slammed shut the heavy doors. With no escape, many of the hundreds still inside were mauled or killed by the deranged pooches.

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

## QUESTION 2

Jen arrived home about 11 p.m. from another long day at work and found her driveway blocked by cars left by guests at the noisy party thrown by her neighbor Paul. Taking a deep, calming breath Jen double parked her car in the street and approached the group of shrieking drunks standing by the front door: “Hi, could you ask Paul to come out, please?” When Paul finally staggered to the door, he frowned and pointed a wavering finger at Jen’s nose. “Hey, wait; I didn’t invite you. I don’t like you. Go away.” Jen’s request to the group outside that someone move at least one of the cars met with success. Lulu smiled drunkenly and slurred “Sure I’ll help. Tom, gimme your keys.” Tom argued that Lulu was too drunk to drive, had a suspended license, and had lost her glasses earlier in the evening, but gave her the keys to his car anyway.

Lulu finally got the car started, jammed it into reverse, and backed into the car parked behind, breaking that car’s headlight. Lulu laughed, put the car in drive, and roared off down the street as fast as the car would go. She had traveled only a few blocks when the 12 tequila shots Paul gave her at the party took effect and Lulu passed out. The speeding car crashed into a line of parked cars and burst into flames. Passerby Norm called 911 and then managed to extricate the unconscious Lulu from the burning car; he was badly burned in doing so.

Back at the party, Paul heard the approaching sirens of the paramedics Norm had summoned to Lulu’s crash and assumed it was the police coming to end his party. “That witch next door called the cops. I hate her!” Grabbing a bottle of rum for the trip, Paul stumbled across the lawn and pounded on Jen’s front door. Jen opened the door and told Paul to go home and sleep it off. Cursing, Paul clutched at her blouse, tearing it slightly. Jen instinctively reacted as she and her self-defense coach had practiced a hundred times: she launched a heel-kick at Paul’s leg, shattering his knee. As Paul collapsed screaming onto the porch, Jill grabbed the shovel leaning against the wall and brought the heavy blade down repeatedly on Paul’s head. Some of the party-goers who had followed Paul to Jen’s ran for the safety of Paul’s house; others jumped into their cars and sped away.

The paramedics were rushing Lulu and rescuer Norm to the hospital when their ambulance was struck by a car driven by one of Paul’s guests fleeing the scene of his death. Norm and Lulu both suffered further injuries; the paramedics were unhurt. Arriving finally at the hospital emergency room, Lulu was pronounced dead “of internal bleeding resulting from car crash trauma.” Norm was conscious and told the ER doctor he was allergic to iodine. Exhausted from working two twelve hours shifts without a break, the ER doctor told the nurses to apply iodine-based antiseptic to his burns. Norm suffered a severe reaction and died 3 months later without ever leaving the hospital.

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