

**Category: TORTS
(One Hour)**

Chip and Anne decided to go whale watching in the bay one afternoon. They arrived at the marina and found a boat that was going out soon. While they waited, Chip wandered over to a sailboat (owned by Albertson) tied up in a nearby slip. Chip saw some life jackets hanging from the railing. He hopped aboard and grabbed them since he and Anne had forgotten to bring theirs. Chip's black-soled running shoes left big scuff marks on the deck of Albertson's sailboat.

With the newly acquired life jackets under his arm, Chip returned to the whale watching boat, which was ready to head out to the bay. As the boat left the marina and entered rougher seas, Anne started to feel sea sick – a common occurrence on the boat. She soon threw-up on the deck. She immediately felt better and just then the skipper yelled out that he'd spotted a whale. All attention was drawn out to the horizon and the whale spouting in the distance. A while later, while the skipper was taking a smoke break, Chip decided to check out below deck. As he headed to the stairs, the boat pitched on a wave, and Chip slipped and fell in Anne's vomit. He landed awkwardly, wrenching his shoulder and crying out in pain.

One of the other whale watchers, Ned, went to help Chip. Ned told Chip he could try and "relocate" Chip's shoulder. Chip went ballistic fearing that Ned would hurt his arm more. To keep Ned away, Chip threw a bucket at him. Ned ducked and the bucket flew over the boat railing and was lost at sea. The skipper thought Chip was getting out of control. Referring to the rules of the high seas, the skipper ordered Chip to go below deck and stay there until they docked. Chip didn't want to go below, but he didn't think he could challenge the skipper's rules. He grudgingly went down the stairs and stayed there until they docked 10 minutes later. Chip's shoulder recovered after he received minor medical treatment.

What potential causes of action and defenses do the parties have? Do not discuss any negligence defenses or other matters learned after the midterm.