

Question One

One Hour

Midville was anxiously awaiting the arrival of Wild Will's Western Extravaganza to anchor its annual Rodeo Days celebration. The downtown Sports Arena had been filled with dirt and hay bales, the beer and barbeque stockpiled. Mayor Smith and her staff conferred about the preparations, with one consultant voicing his concerns: "We've got bucking horses and wild bulls in the area confined only by a temporary wall 4 feet high. Horses and bulls can leap higher than 4 feet. It's a recipe for disaster." The Mayor's political consultant argued that the low seating configuration in the Arena meant that any higher wall would obscure the view of the majority of more affluent season ticket holders. Phil, the advance representative of Wild Will's, didn't want any delays or changes to the show's arrangements in Midville: "Why, Mayor, it's been years since any of our critters leaped over a fence, and only a few folks got bruised." The Mayor looked unhappy but ordered the rodeo to proceed with the 4 foot wall as planned.

Opening night of the Rodeo Days festivities brought most of Midville's population to the Sports Arena. Thousands filled the seats and began consuming tons of food and truckloads of beer. The grand Parade of the Old West introduced aging beauty queens astride silver-saddled horses, rodeo clowns, and hopeful young men and women competing in the traditional events. Larry, Wild Will's attorney, was still trying to persuade his boss that they needed an additional layer of hay bales atop the wall enclosing the arena. "We could be liable if one of those crazy horses leaps into the crowd. A local jury would take everything you've got." Phil assured Wild Will that Larry was overwrought and that he'd taken the precaution of mixing a veterinary sedative into the water troughs used by the animals. "They'll still be bucking, just not quite so wild." Wild Will told lawyer Larry to go back to reviewing contracts.

After the barrel races and a trick riding exhibition the bull-riding began. Many in the thoroughly inebriated crowd left their seats and crowded close to the wall. Local football hero Ted was riding Loco, a famously fierce bull, as a fund-raising stunt for local charity. Loco had refused to drink from the tranquilizer-laden water after some of the locals had thrown the security guards into the trough when the guards tried to curtail the crowd's drunken antics.

Loco burst from the holding pen with Ted clinging desperately to his back. Loco twisted and kicked mightily, then charged at Dopey, the rodeo clown he hated. Dopey leaped over the wall, followed by Loco with Ted still aboard. The enormous bull thrashed among the crowd pressed around wall, crushing children and elders as he charged toward the exit in pursuit of Dopey. Audience member Sue pulled her pistol from her bag and aimed at Loco, hoping to stop the savage rampage. Her first shot hit Ted, who fell to the floor and was trampled by the fleeing crowd; he died in the ambulance on the way to the hospital. Her second shot hit Loco but only further enraged the bull. The security guards opened the emergency exits to let the crowd escape, but, dulled by their bath in the sedative-laced water, were too slow to close the door before Loco rushed through to the busy street outside. Drivers on Main Street attempted to brake or evade the bull and fleeing audience members; multiple accidents resulted in damage and injuries. Wild Will threw Phil off the balcony. Mayor Smith lost her next election.

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

Question Two

One Hour

The First Annual Pond Yacht Regatta was one Midville's new Mayor's attempt to reassure the public after the last Rodeo Days disaster. The many ducks that usually inhabited the beautiful reflecting pool in downtown's Center Park were displaced this sunny Saturday in May by hundreds of hobbyists bringing hand-built miniature sailing ships to compete in sailing races in the 200 foot long pool.

The panel of judges was embroiled in a heated discussion with a group of competitors. "It's not a sailing ship at all!" shouted Norm, the winner of miniature sailing ship races across the country. "It has a motor and isn't eligible to compete," Norm insisted, pointing angrily at the futuristic looking boat held by Alice, the daughter of industrialist billionaire Lucy Andrews. Twelve year old Alice sneered at Norm and said "He's just afraid of losing. My ship's electric motor is totally powered by the wind turning the turbine blades on top, the same wind that powers all these old-fashioned boats. And," she stated with finality, "my mother shall certainly withdraw her sponsorship of this event if you don't allow my boat to compete."

The more traditional judges of the panel were outvoted and Alice's custom-built craft—rumored to have cost \$500,000—was placed at the starting line with the other 2 to 4 foot long model boats. At the starting gun, Alice's boat surged ahead, the light breeze that barely pushed the other boats' sails being enough to fully spin its electric motor-driven propeller. Still clutching the remote control of his boat, Norm stormed up the slope toward Alice's mother. "Your kind ruin everything!" he screamed as he approached, waving the remote control over his head, "I'll teach you to..." Norm's intended lesson was never announced; Lucy Andrews's bodyguards knocked Norm to the ground and began to strike him with batons and kick him with steel-toed boots. Norm's many friends and others among the disgruntled crowd of non-billionaires howled with outrage and attacked the bodyguards; many on both sides were injured. Two of the bodyguards locked the badly-injured Norm in a nearby toolshed. The toolshed contained an open container of highly toxic benzene, which the city gardener had forgotten to cap when he went to lunch. Norm was dead when the police opened the toolshed hours later.

At the pond, the race continued, Alice's boat far ahead. Sue, Norm's sister, grabbed the remote control from Alice's hand and threw it into the pool. Without guidance, Alice's boat circled around and ran full speed toward the flotilla of boats that had been following, smashing every boat it hit. Anxious owner's leaped into the pool to rescue their boats; some were entangled in stems of water plants growing in the dark water of the 8 foot deep pool. Four drowned. Sue, after witnessing the attack on her brother, lashed out at Alice: "Everyone knows you're the child of your mother and her chauffeur! That's why your mother had him killed in that fake accident last week!" Alice ran screaming toward her mother, who was using her martial arts expertise to dispatch a group of senior citizens on excursion who stood between Lucy and her limousine. Lucy's new chauffeur quickly drove mother and daughter home.

At the time of this incident, State Law 41 required: "Every publicly-accessible body of water exceeding 3 feet in depth shall have warnings posted which state the depth of the water."

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