

Category: TORTS
(One Hour)

Liz and Betsy decided to go to the racetrack to watch the horseracing. They wandered around the horse barns trying to figure out which horses looked like good bets. The barns were open to the public, but no one was allowed to touch the horses. Liz tripped over a shovel that Todd, the racetrack owner, had left lying in the barn aisle. Liz fell but landed in a pile of straw. Betsy helped her up and they continued on. They passed the stable office and noticed it was empty. A sign on the door said "Private" but Betsy went inside to look at the horse pictures on the wall. Betsy admired one picture in particular. She took it off the wall to get a better look. Suddenly, Rex, a stable hand, appeared in the doorway and bellowed at her to get out. Startled, Betsy dropped the picture and the glass broke as it hit the floor. Rex was big, angry and holding a pitchfork. He remained in the only doorway and demanded to know what Betsy was doing. Betsy was too afraid to speak or move. Liz was behind Rex in the barn aisle. She thought Rex was going to hurt Betsy so she yelled at Rex to "STAND DOWN!" Rex swung around and slammed Liz into the wall. Liz slumped to the ground, unconscious.

Todd came running when he heard the commotion. Todd knew when he hired Rex that Rex had a temper and a criminal record, but he had hoped it wouldn't be a problem. Todd ordered Rex to return to mucking out the horse stalls. An ambulance was called and Liz was taken to the hospital. She was treated for a concussion. For months after, both Liz and Betsy remained severely shaken by the confrontation with Rex.

What potential causes of action and defenses (privileges only) do the parties have?

Don't address any vicarious liability since that was a topic you learned after the midterm.