

**QUESTION 1**  
**(One hour)**

The blood red sunset promised some relief to the sweat-drenched citizens emerging from the long shadows of office buildings downtown. Unwilling to enter his sauna-like apartment, Tom stopped at an air-conditioned café for some refreshment. “Beer!” Tom demanded loudly as he pushed his way through the throng to the bar, “And hurry it up.”

Bartender Nina carefully placed the full glass on the bar in front of Tom, who sloshed a small tsunami of beer onto his neighbor as he awkwardly brought the glass to his lips. Tom ignored his neighbor’s angry complaint as he drained the glass. “Hey,” Tom shouted at Nina, who was just three feet away, “This noisy mannequin spilled my beer. She’ll buy me another.” Nina had witnessed the clumsy spill; she put on her iciest smile and told Tom in a low voice that his beer was on the house if he would leave her bar. Tom laughed loudly and grabbed Nina’s wrist; putting his face close to hers, he hissed, “If I let you go, you’ll get me a beer, right?” Nina looked only slightly irritated as she tried to reason with Tom: “Really, you should...” Tom never learned what Nina thought he should do. The older gentleman standing behind him used his walking cane to break Tom’s arm, releasing Nina. Tom shrieked as he ran from the bar, the older gentleman’s admonishment following him: “Never grab a lady, young man.”

Lynn impatiently piloted her car through the heavy downtown traffic, speeding and rapidly lane changing. Dazed by the pain from the broken arm clutched to his chest, Tom ran from between two parked trucks into Lynn’s path. Her panic stop was just a few inches too far into the space Tom also occupied; he was upended onto the hood of her car. The speeding car driven by Norm that had been tail-gating Lynn had less powerful brakes and crashed into the rear of her car, catapulting Tom over Lynn’s car and leaving him imbedded in Norm’s windshield.

Leaping from his car, Norm drowned out Tom’s moans with curses as he saw the damage to the front of his beloved classic car. Lynn emerged slowly from her car, rubbing her neck and trying to make sense of what had just occurred. “Look what you did!” Norm screamed, turning on Lynn in a rage. Lynn got back into her car and locked the door. Norm pounded futilely on the bullet-proof car window Lynn had ordered after a kidnapping threat last year. She laughed as Norm pulled a small pistol from his waistband and aimed at her through the window. The bullet made a small crater in the window and fell harmlessly to the street. The crowd that had gathered to gawk at the accident ran in every direction. In the panic, two people were injured.

The gunshot shifted the attention of off-duty police officer Rita from trying to resuscitate Tom to the drama starring Lynn and Norm. Pulling her pistol from her bag, Rita crouched behind the open door of Norm’s car and shouted to Norm to drop his weapon. Unwilling to give up to a woman but even more unwilling to risk hitting his car with a stray bullet, Norm turned and again raised his gun toward Lynn, still smiling up at

him from behind impenetrable glass. Unaware that Lynn was not in danger, Rita began firing at Norm. Two of her shots struck him but one missed, continuing across the street, striking pedestrian Paul. Tom, Norm and Paul shared an ambulance to the hospital; all three died on the way.

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

**QUESTION 2**  
**(One hour)**

Jack and Diane had been together since high school. Now engaged, they planned their wedding to be the biggest event their small town had ever known. Nearly a hundred guests, virtually the entire phone directory, were invited to the park in the town square for the ceremony and reception. Rick, Diane's ex-boy friend, had not been invited. Rick had never accepted Diane's rejection and had often voiced his anger and hurt to anyone who would listen.

The long-awaited day dawned. Musicians began to arrive at the park to set up, chairs were arranged to surround the flower-bedecked gazebo. Wearing dark glasses and an apron stolen from the catering truck, Rick mixed with the hired staff and pretended to help prepare the reception buffet, then surreptitiously emptied a water bottle full of liquid prescription strength sedative into the punch bowl, enough to put a herd of cattle to sleep. Rick laughed, imagining the staggering, slurring guests who would think they were drinking non-alcoholic punch.

Three of the groomsmen recognized Rick. Determined to prevent any disruption of the ceremony, they grabbed Rick by the arms and hustled him quickly away. They left Rick in the tool shed near the pond with rope securing his wrists to his ankles and a gag in his mouth; they locked the door with a padlock they found hanging from the door.

The beautiful ceremony brought tears and smiles. Diane was radiant; Jack looked like the football star and prom king he had been in high school a decade before. The band began a happy tune; the bride and groom danced in the center of the reception area.

Using a saw blade in the shed to cut the rope binding him, Rick broke the shed's window and crawled out, cutting his face and hands on the broken glass. He ran into the midst of the reception, blood streaming from his wounds, the saw blade still in his hands. Jack and others moved to confront Rick, but found themselves oddly slow and dazed; the sedative in the punch was affecting nearly all. "You....you aren't...." was all Jack could manage. Rick's angry gaze fell on Diane. "I loved you, but you killed my love. Now I'll kill yours." He slashed at Jack with the saw, shredding Jack's tuxedo jacket but doing little injury. Jack staggered back and fell into the shallow pool beneath the statute of civil war heroes, striking his head. Some guests pulled Jack from the pool. Others took the saw blade from Rick and then kicked and punched him long after he stopped moving. The town's two paramedics were comatose from the punch. Less impaired guests awkwardly loaded the unconscious Jack into the ambulance. Finally locating the siren, they careened through the park and onto the busy highway. A mile from the hospital, the driver passed out; the ambulance crashed into the median and began to burn. Motorists ran forward to pull the passengers from the burning wreck; two were killed and many were injured when the ambulance's gas tank exploded. None of those in the ambulance survived.

At the time of this incident, state law PL 14 provided: “To ensure sound medical care and safe operation of the vehicle, only licensed paramedics shall operate ambulances to transport the sick or injured to critical care hospitals.”

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