

**QUESTION 1 – Torts
(One hour)**

Tom and his girlfriend, Bella, went to Tubby's Bar & Grill one night. As they were having cocktails in the bar, a fire broke out in the kitchen. The bartender, who was also the owner of Tubby's, panicked and ran out of the building, abandoning Tom and Bella as soon as he smelled smoke. The fire suppression sprinklers failed to activate and the kitchen staff had no idea how to put out the grease fire that engulfed the stove.

Tom and Bella, as well as the other patrons, were blinded by the quickly thickening smoke and struggled to find an exit. Jim, a fellow diner, slammed into Bella in his haste to escape and knocked her to the ground. Enraged, Tom grabbed a hold of Jim's shirt, which started to rip. Jim jabbed Tom with his elbow and after a few seconds managed to break free of Tom's grip and ran outside. Tom searched frantically for Bella. He finally found her limp body on the floor and carried her outside.

Luckily, help arrived quickly and a firefighter revived Bella. Paramedics also treated many of Tubby's customers for minor smoke inhalation. Meanwhile, a reporter ducked under the police line meant to keep the public back and ran up to Tom in Tubby's parking lot. The reporter peppered Tom with questions but he gruffly demanded that she leave him alone or else he was really going to give her something to report. The reporter was taken aback but hustled off to see if she could get even closer to Tubby's for a look at the fire damage. On her way, she tripped over a fire hose and twisted her ankle.

Bella suffered severe smoke inhalation and was hospitalized for a week. Tom suffered minor burns on his hands, as well as from insomnia and uncontrollable flashbacks to the fire. The fire investigation revealed the kitchen staff had not been trained to follow basic restaurant industry protocol for putting out grease fires and that the fire sprinklers malfunctioned because Tubby's owner had not installed them correctly.

Analyze the torts committed, or possibly committed, and any defenses thereto.
(Rely only on torts concepts learned up to the midterm.)