

**ISSUE OUTLINE--QUESTION 1**

**Jane v. Kat Kollar** (Product Liab) Define. While Jane, the only physically injured possible plaintiff, was arguably "injured" (death being injurious) by the Kat Kollar's failure to stop the tiger, her estate's claim that it was a defective product would have to overcome two significant obstacles: 1) Was it foreseeable that a person would be injured by a tiger wearing Kat Kollars because the purchaser of the Kollars believed that 3 of the Kollars linked together would control a 500 pound tiger? While the box proclaimed that the Kollar would control "even the largest, fiercest cat" it depicted a domestic housecat. Would a reasonable consumer have believed that it could work on a tiger? 2) Did the product actually "fail" to work at all? The facts are uncertain as to whether the Kollars delivered a shock at all or the shocks delivered were insufficient to deter a tiger. Testing and expert testimony would be needed to prove the former; if the latter was the case, then the sole question is presented in issue 1. Unlikely that Kat Kollar would be found liable for marketing a defective product. 7 points

**Jane v. Greg** (Battery) define. When Greg "tore the gun from her hands" he committed an offensive touching. His claim that he was acting to forestall a threat to his chattel (the tiger) would be overborne by Jane's objective of protecting others from the wild animal. 4 points

**Jane v. Greg** (Trespass to chattel/conversion) define. Whether her rifle could be recovered from the pond and restored to the Jane's estate in undamaged condition determines whether Greg would be liable for either tort. Argument could be made that her damages included death because she would have more likely killed the tiger with the hunting rifle than her pistol, but speculative at best and likely rebutted by Sue's intervening conduct. 5 points

**Greg v. Jane** (Assault) define. Jane's threat was conditioned on Greg's attempting to stop her pursuit of the tiger. Additionally, her defense of emergency/necessity to achieve that goal would outweigh Greg's claim. 4 points

**Sue v. Greg** (Strict liability) define each as used. Sue would have a claim for the loss of her dogs against Greg in strict liability for keeping a wild animal in an inappropriate location, the classic basis for strict liability. 4 points

**Jane v. Greg** (Strict liability) Same wild animal liability for bringing the tiger to the suburbs. Even if Jane seen as an employee in the course of her duties, Greg still liable under strict rule. 4 points

**Sue v. Jane** (Conversion/Neg) define Neg. If Sue claims against Jane's estate for Jane's shooting her dog, she may allege the conversion of the dog via transferred intent, as Jane's shot was intended to hit the tiger, which would have been trespass to chattel/conversion of Greg's property. That claim would fail, as Jane's adequate defense of emergency would have defeated Greg's claim, so no wrongful intent existed. Sue may alternatively claim that Jane was

negligent in shooting in a manner that resulted in her dog being killed; unlikely under the extreme circumstances of the situation that Jane breached any duty by her conduct. 7 points

**Jane v. Sue** (battery) Sue clearly committed a harmful touching. Her claim that she was protecting her other dog seems feeble in light of the circumstances attending the tiger's apparent imminent attack on Sue. 3 points

ISSUE OUTLINE--QUESTION 2

**Permit-deprived workers v. Joe** (Violation of civil rights) Joe's confiscation of the kitchen workers' needed permits without due process and his stated conditioning of the return of the permits upon his personal discretion is an apparent violation of the workers' civil rights "by a state agent under color of authority" which would warrant a section 1983 action in tort. 4 points

**Liz v. Nan/Daily Times** (Defamation) define Liz would likely be determined to be a public figure in this locale and the issue of whether her restaurant may be poisoning customer is a matter of public interest, so the *N.Y. Times* doctrine would apply, requiring plaintiff Liz to show that the Daily Times and reporter Nan acted with "actual malice" in publishing the defamatory story. 6 points

**Tom v. Daily Times** (False light) define Tom would likely find it difficult to prove that his photo being used to depict an indigent harvesting dead pigeons was "defamatory", but it did cast his efforts to clean up the trash from the streets of the city in a false light. 3 points

**Liz v. union picketers** (Interference with advantageous relationship) So long as it consisted of merely parading on the public sidewalk, the union's attempt to dissuade Liz's customers would likely be seen as legitimate boycotting and not wrongful interference, 3 points

**Poisoned customers v. Shorty** (Battery) define Shorty's intentionally harmful acts caused injury to the customers who ate the poisoned food, the question of the extent of the injures as including the death of some depends of whether the delay of medical aid resulting from the ambulance wreck with drunken driver Robert could be shown to have contributed to the injury and whether the death was an indivisible injury which would make Shorty and Robert joint tortfeasors. 6 points

**Poisoned customers v. Liz** (negligence) define Did Liz breach a duty to her customers by either hiring Shorty or failing to supervise/prevent his battery on the customers? Generally an intentional tort/criminal act by the employee, unless endorsed by the employer, serves as a sufficiently superseding cause so as to relieve the employer of liability.

The customers' attempt to claim *negligence per se* for violation of statute would fail. Though the statute was likely adopted to protect patrons from the food-derived injury, it was Shorty's intentional wrongdoing that harmed the customers, so the element of causation would be lacking. 8 points

**Dead pedestrians v. Robert** (negligence) Robert's drunken driving was apparent actual cause of pedestrian's death, no other wrongful/negligent acts by others appear to intervening as to proximate causation. 4 points

**Poisoned customers v. Robert (negligence)** As discussed above, Robert's negligence may have contributed to extent of the poisoned customers' injuries, making him also liable for their injuries. 4 points