

TORTS FINAL - SUMMER (GOULD)
QUESTION NO. 1 - ISSUE OUTLINE

John v. Bite-the-Dust

Products liability

Negligence (no privity, but need abrogated)

Express warranty (no privity, but need abrogated)

Implied warranty (no privity, but need abrogated)

General merchantability

Strict liability in tort

Causation – actual and proximate

Damages

Compensatory for damage to dining room, medical bills

Collateral source rule for medical bills

John v. Beyond Kitchens

Products liability

Negligence (privity)

Express warranty (privity)

Implied warranty (privity)

General merchantability

Strict liability in tort

Causation (same)

Damages (same)

Mary v. Bite-the-Dust and Beyond Kitchens

Damages

Shared loss with John for dining room fire damage

Loss of consortium for John's inability to help with household chores for three months

Defense(s)

Contributory negligence / comparative fault of John

Daly v. GMC for SLIT

Joint and several liability

Contribution and indemnity

TORTS FINAL - SUMMER 2010 (GOULD)
QUESTION NO. 2 - ISSUE OUTLINE

Fred v. Sam

Conversion (of time)

Conversion of computer

Trespass to land

Invasion of privacy

intrusion

public disclosure of private facts

Damages

compensatory

punitive

Gyro v. Sam

Invasion of privacy – intrusion

Conversion of data

Damages

Compensatory

Punitive

Gyro v. Fred

Vicarious liability / respondeat superior

Sam as employee of Fred, liability for acts and omissions within course and scope of employment.

Lark of one's own?

Causation

Damages

Sam v. Fred

Libel per se

Invasion of privacy

False light in the public eye

Joint and several liability of Fred and Sam, under doctrine of respondeat superior

Contribution and indemnity