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T. C. Williams School of Law, University of Richmond: Torts Exam, 23 May 1950

University of Richmond

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1. Flourishing a revolver, A pursues B into a crowded store. As A's finger tightens on the trigger, B sinks to the floor so that the bullet strikes C, who is directly behind B. Then B moves quickly behind D, who is struck by the next bullet. B then picks up a silver tray belonging to the storekeeper, using it as a shield. The third bullet pierces the tray but is diverted from B, who then throws a paperweight at A. The weight misses A but knocks off E's hat. For what, if anything, is B liable?

92 f
C + D v. B
DRA
Self defense
B test
1 hr to
10:00

20
1 hr.
2 10:00

2 and 3. Driver bought an automobile manufactured by Star Motor Co. from a local dealer. Two months later, while he was on an important trip, the hydraulic brakes failed. Driver continued the trip using the hand brake, with the intention of having the hydraulic brakes fixed that night. As driver approached a pedestrian who was walking on the right side of the highway in violation of statute, another automobile, travelling over the center line of the road, approached from the opposite direction. Driver blew his horn and attempted to stop but struck the pedestrian, who was deaf. The hospital interne set Pedestrian's broken leg improperly and it remained weak. A month after his discharge from the hospital, Pedestrian fell from a step ladder due to the weak leg and broke his arm and also broke his leg in the same place as before.

2 hr to
12:00

35
1 hr
10:15

A statute provides: If any person shall be injured as a result of a mechanical defect in a motor vehicle within three months of its initial sale at retail, the manufacturer of such motor vehicle shall be liable to such person in the amount of damages sustained.

Pedestrian brought suit against Driver and Star Motor Co. On the foregoing facts, what should be the judge's decision?

4. The A Co., an automobile manufacturer, put on the market a car, the hood of which would occasionally arise and obscure the driver's vision when the car went over a bump in the road. Discovering the defect, A Co. sent safety locks for the hood, instructing distributors to put them on all existing cars. B, a salesman for C, a distributor, had purchased a demonstrator before the defect was discovered and, having experienced no trouble in 10,000 miles of driving, refused C's request to put on the safety lock. Later, when he had left the employ of C, B sold the automobile to the plaintiff. Thereafter while the plaintiff was driving the hood went up and the plaintiff was injured. Has she a cause of action against anyone?

1 hr
1:30

45 to
1:15
15

5. A finds B by the roadside with an obvious head wound. Unaware that B's hip has been broken, A lifts him into his car, aggravating the hip injury. Shortly thereafter B regains consciousness and asks to be taken to his home 10 miles west. A refuses and gives B his choice of being put back where A found him or being taken to a hospital 4 miles east. B chooses the hospital and on the way there while A is driving carefully his car is run into by C, a negligent driver, and B is killed instantly. For what, if anything, is A liable to B's personal representative?

45 to
1:45

45 to
1:00
15

Examination Continued OVER

69
mfg - neg 40 - other 200 - interne - breaks leg - cont. neg.
neg 70 - " - " - " - " - " - L.C.C.

6. A leased his arena to Barons, Inc., a local professional basketball team, for the months of December, January and February. Newspaper men were given free passes to all games. In January, during one of the games, a newspaper photographer's seat in the front row of the press gallery collapsed. The fall injured the photographer's back and also caused him to drop his camera and photo flash bulb, which fell on the head of a spectator. The bulb exploded burning a small boy who had sneaked past the doorkeeper to watch the game. What are the rights, if any, of the photographer, spectator, and boy?

45 to
2:30

15
45 to
1:45

END

newspaper men = gratuitous visitors - known defects.
Spectator = business (invitee) - suspect + warn + repair
Boy = trespasser - no duty
Lessee & lessor duty to each.

the duty to boy by A if defect in seat before
" " " " to boy either way.

But for crowds must use due care to see that
cases beyond repair as hand do it

Patrons (crowds) - liable for conditions at
time of lease if known & think lease
will not repair.