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T. C. Williams School of Law, University of Richmond: Torts Exam, 1 Jun 1963

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TORTS Examination

Mr. Muso

June 1, 1963

1. D, a child aged thirteen, had a slingshot. His parents knew of this and urged him to be careful with it. D and his friend E wandered onto the platform of R.R.Co. They and other children had frequently been chased away from this platform before and they knew that they should not play there. While on the platform, D projected a stone from his slingshot toward E, who had his back turned. The stone missed E and flew toward an adult bystander, F. F saw it coming and dodged sideways into S. F realized he would bump into S when he dodged, but did not know that S had an artificial leg. S fell and broke his ankle. What is the liability, if any, of D, D's parents, and F? Why? Why not?

2. D double parked his truck on the right-hand side of a busy street, headed east, for half an hour while he unloaded and delivered certain of its contents to a store. The distance from the left of the truck to the center of the street is four feet. A, while driving a car eastward along the same street, turned out to pass D's truck. In doing so, he crossed a double white line marking the center of the street which by traffic law and practice means "no passing and no crossing of double line." P, a girl of six, slipped away from her mother while the latter stood on the sidewalk engrossed in conversation with a passing friend, and dashed gaily across the street in front of D's truck. The front of A's car nosed past the truck just as P crossed in front of the truck. P ran into A's front fender and was injured. May P recover from D for her injuries? Why? Why not?

3. A, while driving his truck with due care over the crest of a hilly road covered with ice, goes into a skid. As his truck slides and skids down the hill, he notices B's car, which had previously skidded while speeding, across the road with five people in it. In a split-second calculation, he correctly decides that the only chance of avoiding a crash into B's car is to drive through the fence of a farm ad-joining the road. In doing this he knocks down a portion of the fence, coming to rest just inside the fence on the farmland. C, the owner of the farm, is working elsewhere on the farm and knows nothing of this. C's house is on the farm, 200 yards from the road and plainly visible to A. C's cattle are grazing a quarter of a mile from the fence. They are also visible to A. After two hours' delay, with the help of a passerby, D, A gets his truck back on the road and drives off. D's back was injured as he assisted A. That evening some of C's cattle wander out through the gap in the broken fence onto the highway. B, while driving carefully, collides with one of the animals. In the collision the animal is killed and B's car is damaged. What, if any, are the liabilities of A and B to C, D, and E? Why? Why not?

4. While rounding a blind curve A negligently skids and his car lies broadside to the road. A is trapped inside but B, a passenger, is thrown clear and rests on the shoulder of the road in an unconscious condition. Moments later C comes around the curve at an excessive speed and not keeping a proper lookout. C applies his brakes as soon as he sees A's car but skids and collides with it, knocking A's mangled body out of his car onto the highway. A received no further injury but his car was further damaged. A few moments after the collision B, having regained consciousness and struggled to her feet, faints at the sight of A's mangled body and as a result has, over a period of several months, suffered vomiting spells and headaches. What, if any, is C's liability? Why? Why not?

5. D, a druggist, negligently sold F a bottle of poison, labeled cough medicine. Discovering his mistake, he telephoned at once to F's office. A, a business visitor at the office, answered the ring and informed D that F had stopped out of the office for a moment. D then told A of the mistake and A replied that he would tell F at once. This telephone conversation was heard by F's secretary, B, but both A and B forgot to tell F. That night P and his wife took some of the substance and both became seriously ill. What are the liabilities, if any, of D, A, and B? Why? Why not?