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T. C. Williams School of Law, University of Richmond: Torts Exam, 30 May 1959

University of Richmond

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A struck B - battery, self defense?
B struck A
C = contact & negligence

UNIVERSITY OF RICHMOND LAW SCHOOL

TORTS Examination

Mr. Muse

B1, ABLE to
P. 100-101
B

1. A and B were spectators at an exciting ball game. A received a hard slap on the back and believing that B had struck him, he turned and struck B. This knocked B against C, a young woman who, fearing a riot, became hysterical and was taken to a physician by her husband. What causes of action, if any: (1) if B struck A; (2) if B did not strike A?

A punched B's back and B's head to a violent swing A

2. A rented B a car, representing that the gasoline tank is full, although it is nearly empty. Twenty minutes later, while B is driving in lane 2 of a 6-lane highway (the lanes being numbered 1 to 6 beginning on the right), the car runs out of gas. Heavy traffic prevents B from pulling across lane 1 (to his right) and over to the shoulder before stopping. B gets out and, after noting that the gasoline gauge still registers full (it is stuck), opens the hood and is trying to find the trouble when the rented car is struck from behind by a car driven by C. B is injured and both cars are damaged. C could have avoided striking the rented car had he been keeping proper lookout. What liabilities, if any, why or why not?

3. A, aged 15, was operating his single-seated motorcycle when he invited B, a boy 13 years old, to ride with him. A permitted B to occupy the seat and he moved forward and sat astride the gas tank between the seat and the handlebars. While they were both so riding, the motorcycle and an automobile being driven by C collided at an intersection due to the negligent operation of both vehicles. B was injured in the collision. Against whom, if anyone, may he recover? Why or why not? Write your answer as though it is the court's opinion.

A criminal ordinance provides: "It shall be unlawful for the operator of a motorcycle to carry more persons than for which regular seats have been provided; and it shall be unlawful for any person to ride any such vehicle unless he occupy a regular seat."

4. A sells under its label a cement compound manufactured by B. The compound is used in cementing soles of shoes to uppers of shoes. C, a shoe manufacturer, purchased a supply of the compound from A and used it in the manufacture of a lot of ladies shoes part of which was sold to D, a retailer, who in turn sold a pair of the shoes to E who gave them to his wife, F, as a present. Because of negligent manufacture the cement compound did not have proper adhesive qualities which caused one of the shoes F was wearing to partially lose a sole and trip her causing her to fall and be injured. At this F flew into a rage, threw the defective shoe at her husband, E, putting out an eye. D, E and F bring separate actions in tort against A, B and C. D sold most of the shoes before discovering they were unfit for use and has suffered financial damage, loss of good will, loss of business and loss of revenue. These losses are the basis of his claim. E seeks to recover for the price of the shoes and the loss of his eye. F seeks to recover for her injury. What results? Why or why not?

(over)

Aff (B)
VA B. 10-15

C. 100-101
B (A. 100-101) → E

May 30, 1959

5. A, owner of the Dirty Doily Restaurant, owned and kept in the establishment a cat named Frederick. The cat was of roving habits but was blessed with a gentle disposition. The restaurant kitchen was infested with mice which A made strenuous but not always successful efforts to exterminate. One day, while lunch was being served, a mouse ran out into the dining room and attempted to seek refuge under a table occupied by Miss B, a patron, with Frederick in hot pursuit. Miss B, suddenly aware of strange and annoying movements under the table, abruptly shifted her legs. This sudden frustration of Frederick's ambitions severely annoyed him, prompting him to give her a sharp bite on the ankle.

Miss B, fearing a rabies infection, promptly called her physician from a phone in the restaurant. She was advised to have the cat confined immediately for observation for a period of three weeks, and if before the end of that period the animal developed rabid symptoms, there would be time for the Pasteur treatment. Miss B reported this to A, who assured her that Frederick would be carefully confined for observation, whereupon Miss B left. But A made no effort whatsoever to restrain the animal, who resumed his free roving habits. Several days thereafter he disappeared, and when, three weeks later, Miss B returned to confirm that the animal was sound, Frederick was not to be found. Miss B was strongly urged by her physician to submit to extended and painful anti-rabies injections. She was allergic to these and suffered a high fever and prolonged illness. Shortly thereafter, Frederick returned to the restaurant in high spirits and with absolutely no sign of rabies. Does Miss B have any claim for damages against A? Why or why not?

6. A, stockholder in and the president of Ace Airlines, dictated a letter to B in which he states (on the basis of information from a "leak" in the Federal Office of Air Transportation) that he has learned that Airlines' application for a license to operate transatlantic flights has been granted, that when this is generally known the shares will rise rapidly in market price, and suggests that B subscribe to a new issue being floated by the company. He does not state that there have been serious losses during the past six months nor that he is doubtful as to the correctness of his source of information. He does, however, believe that the application has been granted. By mistake A sends B's letter in an envelope addressed to C. C reads the letter intended for B and on the strength of it subscribes for 100 shares at \$100 each. He then forwarded the letter to B, who subscribes to 200 shares at the same price. Two weeks later, it is announced that the application has been denied and C at once sells his shares at the sagging price of \$90. B, however, retains his and the price of shares later rises to \$120. Both B and C sue A on the ground that the shares would have gone to \$150 at least if the application had been granted. Does either have a cause of action and, if so, what are the damages?

END