This is an open book examination. You may use any materials which you have brought with you whether prepared by you or by others. Questions will be weighted equally and you should spend equal amounts of time on each question. Please write legibly and leave a margin on the left-hand side of the page. Use only your social security number to identify your blue book and this examination paper. If you use more than one blue book, make sure that your social security number is on each and number the blue books ("No. 1 of 2, "No. 2 of 2, etc.). Turn in this examination paper along with your blue book. In the spaces provided below, insert your answers to the ten multiple choice questions found in Question One.
Due to her purse, Paula assumed the risk of being detained.

(b) By carrying the scarf in public view and then putting it
improperly, the store's best defense would be that

If Paula brings a claim against the store, based on false
there was no problem and stepped out of her way.
the scarf on the previous day, the manager then told Paula
well as a receipt for it, showing that it had been purchased from
Paula, blocked Paula's way to the door and asked

the manager, who was again
the scarf, and read for the door. The manager, who was again
stopped, that matched a color in the scarf, and after a while, found
Paula was trying to find a
display. The manager, who was again
the scarf, and read for the door. The manager, who was again

2. The manager of a department store noticed that Paula was

(c) Yes, because Dan had sufficient intent to encroach.

(b) No, unless Dan was aware of the encroachment when he built

(a) No, because Dan no longer owns the property. Any such
trespass

should Peter prevail? Is he bringing a suit against Dan for
property by about 5 feet.

discovered that the fence Dan built actually encroached on Peter's
A few months after Dan built the fence, Dan sold his farm to
keep his house from wandering onto Peter's property.
After a few incidents among the livestock, Dan built a fence to
I. Dan owned a dairy farm next to Peter's chicken ranch.

(3) This question consists of ten multiple-choice questions

QUESTION ONE
Suddenly struck by a black eye, Peach's face giving her a black eye.

In the face of this situation, Peach chose to ignore him. This angered Mike, who convinced the stewardess to serve Mike the drinks. As Mike became more and more agitated, the stewardess, formerly called "concrete," called for help during the flight.

There were many empty seats on the aircraft. A different artful flight, there were many empty seats on the aircraft. Peach and Mike were passengers sitting in adjoining seats on the flight.

Questions 4 and 5 are based on the following fact situation:

(4) Yes, if the passenger was outraged and outraged.

(5) Yes, if the passenger’s action was extreme and outrageous.

If the passenger’s action was extreme and outrageous,

Lead to her,

Peach’s threat, and was outraged when she learned that the passenger had

condemnations under state law. Perkin's had been badgered by

researched the question and authored her that Dunmont had no power of

Perkins, an elderly window, had rejected all of Dunmont's offers to

land on which he intended to build a large commercial development.

3. Dunmont, a real estate developer, was trying to purchase

the scar.

(4) Paulia was not detained, but was merely questioned about

privilege to detain.

a reasonable belief that facts existed warranting a

reasonable investigation of the facts.

(4) Paulia should have realized that her conduct would create
caused Waterker to suffer a legally compensable injury. (b) denied, because a jury could find that Driver negligently
an inattentive manner contact with Driver's car.
(b) denied, because the record shows that Walker apprehended Driver's motion should be
judgment. The foregoing facts are undisputed.
Walker sued Driver for damages and Driver moved for summary
knee. Bearing down on him, the Jumped backwards, fell, and injured his
the road waiting for a chance to cross. When Walker saw the car
the road waiting for a chance to cross. When Walker saw the car
as a result, his car swerved a few feet off the
mornent Waterker took his eyes of the road to look at some cotic
was taking a leisurely spring drive, he
6. While Driver was taking a leisurely spring drive, he

injury from the contact.

(b) not prevalent, unless she can establish some permanent
employee of Defendant Airline.
(b) not prevalent, because Mike was not acting as an agent or
continuing to serve liquor to Mike.
(b) prevalent, if the air concurrence acted recklessly in
harmful or offensive contact.
(b) prevalent, because she suffered an intentionally inflicted
arturies based on battery, she will
5. If Peaches asserts a claim for damages against Defendant
was struck, the air concurrence and acted to protect Peaches before the blow

(c) recover, if the air concurrence should have predicted Mike's

carrier. Injuries suffered by a passenger while aboard the
(c) recover, because a common carrier is strictly liable for
seat.
(b) not recover, if Peaches could easily have moved to another
third party.
(b) not recover, because a person is not required by law to

arturies based on negligence, Peaches will
4. If Peaches asserts a claim for damages against Defendant
compensable in a negligence action, which is not

consequence of Peters’ negligence.
the loss of the trees was not a natural and probable

cause of the trees.

consequence that sunshine would damage Peters’
trees.

does duty to avoid the risks created by a fire did not

Peters’ trees.

does negligence was not the active cause of the loss of

The best argument in support of this motion would be that:

8. does negligently caused a fire in his house, and the house

has moved

action against Peters, does has negligently
which could sustain only in shade. Peters has brought a negligence
yard next door, which previous that had been shaded by Peters’ house.
next yard, which previous that had been shaded by Peters’ house.

sunshine destroyed delicate and valuable trees in Peters yard.
result, the sun streamed into Peters’
burned to the ground. As a result, the sun streamed into Peters

natural Floxton joke on Plummer.

No, it’s not in moving the chair beyond intended only a good-

his embarrassment.

No, because Plummer suffered no physical harm along with

was about to sit in the chair.

Yes, if Pevon negligently failed to notice that Plummer

Yes, if Pevon knew that Plummer was about to sit in the

If Plummer asserts a claim against Pevon for damages because

embarrassment with Plummer prevailed.

Plummer’s chair to one side.

Plummer, a well-known politician, was scheduled to address

Plummer a well-known politician.

distressed momentarily.

Granted, because it is not unreasonable for a person to be

was his own voluntary act.

Granted, because the proximate cause of Walker’s injury

a person to be
Questions 9 and 10 are based on the following fact situation:

Defendant, delivering a package at Plaintiff's residence, entered by opening an outside door into a sun porch. He left the sun porch door open and crossed the sun porch to ring a bell at the inner door. Plaintiff, one-year-old child, whom Defendant did not see, crawled through the open door, fell down four steps, and was injured.

9. In Plaintiff's action against Defendant for trespass, evidence that there was no doorbell at the outside door leading to the sun porch: (A) favors Defendant's defense of privilege. (B) favors Defendant's defense of implied consent. (C) favors Defendant's defense of a good faith entry. (D) favors Plaintiff's claim for trespass.

10. In Plaintiff's action against Defendant for the injuries to Plaintiff's child, the judge should instruct the jury that: (A) only if Defendant was negligent in leaving the door open. (B) only if Defendant committed a trespass. (C) only if Defendant committed a trespass and was negligent in leaving the door open. (D) only if Defendant either committed a trespass or was negligent in leaving the door open.
SUSPICIONS POSSIBLY.

to twins at the same hospital, and in the same time frame, her
Prudence. When Inctana found out that Mrs. Smith had given birth
her. The other woman explained that the girl was her own daughter
another woman. She asked the other woman how hope came to be within
Simmons Syntees's pediatric clinic when she saw Hope in the arms of
Sister Inctana. Also a new mother, was in the waiting room at St.
Sister Inctana, was blonde. One day fate intervened. Artzana's
not like her sister, was brown. One day fate intervened. Artzana's
never admit favoritism but she was especially attached to Hope who
emerge from babyhood to become playful toddlers. Artzana would
over the next year and a half, the Jones parents saw the girls
appearance from one day to the next.

appearance that infants change in
not look alike. The nurse explained that infants change in
identical in appearance. The nurse the nurse why the babies did
their progeny. Artzana noticed that the babies did not seem
following day she and Joe returned to the hospital to retrieve
Artzana went home one day before her babies did. On the
Prudence and Constance.

Artzana named their new babies
Artzana and Joe Jones were married in 1997.

QUESTION TWO
Injury

The law of the jurisdiction allows recovery for negligently


judicially constituted distress even if unaccompanied by physical


1. This is a true story. See De Leon v. Corporation


2. The defence


tried Judge deleted St. Simon's Stylltes's motion. The defence

regardless of your actual answer to Part 1, assume that the


Part 2

Judge decide this motion? Why?


issue on which they had the burden of production. How should the


produced no evidence that anybody at the hospital was negligent, an

plaintiff's had not presented a prima facie case because they had


verdict at the close of the Jones's case. They argued that the


Part 1

They could produce no explanation for the event.


They endured and weep enduring,苦苦和 Joe had to admit that


the trial, after restyling about the emotional distress which they


mystery of how the babies came to be switched was never solved. At


initiation of emotional distress? Despite abundant discovery, the


The Jones's sued St. Simon's Stylltes Hospital for negligent


"Hope" and "prudence" to their genetic families.


husband. After much agonizing, the family decided to restore


and Joe whilst hope was the daughter of Arthur and her


crystal clear that two of the babies had been switched. Subsequent


when the two sets of twins were brought together it became

"Where would I like to have that sitting in my room it began."

As I walked past them in the bus station waiting a row of anything will do.

room, courthouse recruiters are their favorite hangout but

a seating arrangement in the South is bound to be fill of

beneath always draw the good ole boys; any long

good example:

A Southern woman writing in Harper's magazine, has given a

strangers to them.

defined as the harassment of women in public places by men who are

profoundly affects women's lives, called street harassment and

however, on another type of sexual harassment that

by federal anti-discrimination law. There is no comparable legal

involving sexual harassment in the workplace, where it is forbidden.

The term "sexual harassment" has acquired meaning from cases

QUESTION THREE

The case then went to the jury. How should the jury decide? Why?

were produced. They it just indicated nothing about the switch. The

movements of babies from and to the special care nursery. The logs

never occur, including footing and name banding, and logging all

at St. Simon's St. Hospital to be sure that baby mistreatment

witnesses testified to the elaborate precautions which are taken at
that gender-related differences in perception are indeed relevant.

Migrants, reproduced in your casework at p. 57, note 1, is evidence

the law is made by men. "The celebrated remark of Judge Carder H.

Please do not confuse yourself to the simple answer, "Because

Why is street harassment not a tort?

has every right to be.

Harassers and denying her access to a public space where she

her path to work, but this amounts to giving a victory to the

street harassment. If such a tort exists, the woman cannot prove

street harassment if not terrible or pervasive, this would be a provable case of

employees of the construction company, and because their behavior
takes place every day. (Because the perpetrators are identifiably
every day on her way to work. The same astonishing street harassment

Imagine a woman who walks past the same construction site

Why is street harassment not a tort?

tort cases involving women victims of street harassment.

state anti-harassment laws. There are, however, almost no reported

few scattered reports of criminal prosecutions under gender-neutal

A study of the case law in this area reveals that there are a

"congratulations!" Just be you know where there's a good time,

where! Zeebelj Hey you, Hundred dollars, Misdemeanor, say

his car and, "Hey, there, hot chocolate! Say

from Long Island or Westchester see me and lean out of

In these streets out there, any little white boy

harassment:

African-American women especially are victims of street
well-known sexual harassment. examination question, and for some information about a certain
Read the rest of the note for the legal background of this

END OF EXAMINATION

Why, then, does tort law not deter and punish street harassment? remedy to deter and punish sexual harassment in the workplace. above, our society has not had undue difficulty in creating a

As noted to this question, but they are not the whole answer.
In order for a plaintiff to recover for negligence, whereby defendant is one element of the plaintiff's negligence case is granted. If one element of the plaintiff's negligence case is the main issue is one of negligence, the motion will be granted.

Part I.

(Student SSN 374-19-2970)

Question

Essay Questions

10. d
9. b
8. a
7. a
6. b
5. c
4. d
3. c
2. b
1. c

Multiple Choice Questions

Midterm Examination Critique

April 13, 2001
Mr. Martin

Torry
Plaintiff entered the hospital for a knee operation. After the procedure, Plaintiff's knee became infected, and Plaintiff sued alleging negligence. The surgeon was found negligent, and Plaintiff moved for a directed verdict. The trial judge should

 grant the motion, because Plaintiff had been warned of the 1/8 chance of infection.

 deny the motion, because res ipsa loquitur eliminates the need to produce expert testimony.

(A) grant the motion, because Plaintiff had been warned of the 1/8 chance of infection.

(B) deny the motion, because res ipsa loquitur eliminates the need to produce expert testimony.

(C) deny the motion, because the infection is such a rare occurrence that, when it occurs, a jury may find the surgeon’s negligence without expert testimony that it is more likely due to some other cause.

The Manchester Monitor, a small local newspaper in Manchester-by-the-Sea, Massachusetts, published an article entitled "National Pop Star to Make Summer Home Here." The story reported that Bebe, a major national recording star, had purchased a beachfront home in the town. The story included information that tourists might cause a traffic problem in the secluded area where the house is located. The reporter who wrote the story, James, was asked by the Monitor, a press agent to verify the story because Bebe chose Manchester-by-the-Sea for its quiet and privacy.
The day before Kate purchased the anchovy paste from

canapes into the garbage disposal,

where she was treated for food poisoning, after being
informed that the canapes were at least one, several minutes
into shells which she made. Kate brought them canapes to Allie's
Announcements, Inc., and made the canapes by putting the canapes pasted by
Informing Allie she purchased stix cans of anchovy paste marketed by

In fact, Kate did not make the paste herself. Without

herself, make the anchovy paste from her own recipe.

hot canapes or anchovy paste. Kate assumed Allie that she would
for Allie's daughter. Kate promised to supply, among other food,
Allie engaged Kate, a caterer, to cater an engagement party

Questions 4 and 5 are based on the following fact situation:

a third party.

not recover, because the beating was the criminial act of

caused by an employee of one of the nursing homes.

not recover unless Sally can prove that the beating was

partners in this case.

recover, because the nursing home is strictly liable for

adequate security.

recover if the nursing home was negligent in providing

If Sally should sue the nursing home for her injuries, she

starts of forced entry into the building during the previous night.

and doctor's patient, was found beaten in her bed. There were no
and doctor's patient, was found beaten in her bed. There were no

Question 3

concern

in this it is not a matter of legitimate public

obtained from public records.

lose, because the information in the story was

lose, because the article did not say anything

bad about her.

lose. (b)

lose if the article was true.
Party can recover for the damage to her car in negligence and shopkeeper's actions.

The post fell due to a combination of age, weakness, and shopkeeper's care. The post fell at any moment, one week later, the post fell back so that it looked like a start, even though shopkeeper knew that the post was weakened and pushed the post back into the parking space. At a later date, a truck, backing the car into the parking lot, the posts had become weakened by age and weather. In the parking lot, the posts had supported the plaintiff's car.

Question

(a) Atlee will not recover because, by detroying

anchovy paste.

(b) Atlee will recover if she can establish that her illness resulted from eating anchovy paste.

(c) Atlee will recover if she can establish that her illness resulted from eating anchovy canape.

(d) Atlee will recover if she can establish that her illness resulted from eating anchovy canape.

(e) In a tort action by Atlee against anchovy paste, Inc.

(f) In a tort action by Atlee against anchovy paste, Inc.

(g) In a tort action by Atlee against anchovy paste, Inc.

(h) In a tort action by Atlee against anchovy paste, Inc.

(i) In a tort action by Atlee against anchovy paste, Inc.

(j) In a tort action by Atlee against anchovy paste, Inc.

(k) In a tort action by Atlee against anchovy paste, Inc.

(l) In a tort action by Atlee against anchovy paste, Inc.

(m) In a tort action by Atlee against anchovy paste, Inc.

(n) In a tort action by Atlee against anchovy paste, Inc.

(o) In a tort action by Atlee against anchovy paste, Inc.

(p) In a tort action by Atlee against anchovy paste, Inc.

(q) In a tort action by Atlee against anchovy paste, Inc.

(r) In a tort action by Atlee against anchovy paste, Inc.

(s) In a tort action by Atlee against anchovy paste, Inc.

(t) In a tort action by Atlee against anchovy paste, Inc.

(u) In a tort action by Atlee against anchovy paste, Inc.

(v) In a tort action by Atlee against anchovy paste, Inc.

(w) In a tort action by Atlee against anchovy paste, Inc.

(x) In a tort action by Atlee against anchovy paste, Inc.

(y) In a tort action by Atlee against anchovy paste, Inc.

(z) In a tort action by Atlee against anchovy paste, Inc.

[...]