

**Final Exam – Torts 550 Fall Semester 2013
December 5, 2013, 2 p.m.**

Instructions:

This examination consists of two parts; one multiple choice section and one essay. **The total time permitted for the exam is 3.5 hours.**

PART I. Multiple Choice: Two thirds weighing

You are allocated 120 minutes (plus 15 minutes reading time) for the multiple choice part. Answer multiple choice questions on the scantron answer sheet provided, using a #2 pencil. **You will take the multiple choice section first, and the papers will be collected before the essay section is handed out. Please turn in the multiple choice questions when time is called.** You may refer to your materials, i.e., **your** books, notes and outlines. You may not refer to commercial outlines, other's outlines, your hard drive, or the internet. Since multiple choice exams are particularly susceptible to honor code violations, please keep your eyes to your own papers. You should answer all of the questions.

PART II. Problem type question: One third weighing.

You are allocated **60 minutes plus 15 minutes reading time.** The essay portion is an open book exam, and again, you may refer to your materials, i.e., **your** books, notes and outlines. You may not refer to commercial outlines, other's outlines, your hard drive, or the internet. Remember to read the question carefully and answer only the question posed. Most points are allocated for analysis, so organize carefully to show this analysis. This means you will have 15 minutes of unallocated time for reading, organizing and outlining. Please use the time to organize yourself and make your answers precise and concise.

For those using exam books: In the essay section (Part II), if more than one exam booklet has been used to answer the question, be sure your examination number appears on each booklet indicating the total number of booklets utilized by the individual number of each book. (E.g., #1 of 2, #2 of 2.) The only identification permitted to appear on the blue book is the examination number which has been assigned. Please do not indicate anything else on the blue books that will identify you.

Before you begin working on the exam, check that you have **Part I, pages 1 through 24** and **Part II – pages 1.**

Part I. Multiple Choice. (67 points, 120 minutes, 60 Multiple Choice Questions, 2 minutes a question, each of equal value).

DO NOT GO TO THE NEXT PAGE UNTIL YOU ARE INSTRUCTED TO DO SO.

QUESTION:

Professor Pierre teaches Torts at Emory Law. In discussing issues of proof, he decided to use a banana peel as a prop to ask how it could be established that his fall on the peel could be proved to be the responsibility of Emory University. Dropping the peel, he pretends to fall and throws the peel into the air, while making a loud groaning noise. With no notice to the demonstration, Alfonso a student sitting in the middle row felt impelled to come to the aid of Pierre. In clambering over fellow students he treads on Barbara's shoulder fracturing her fragile collarbone. Another student Tex, immediately texted Emory Emergency Services. "Terrible accident Classroom C Law School." The Campus police immediately responded speeding to the law school siren blaring. At the intersection of North Decatur and Clifton, near the law school building, the police car collided with an ambulance racing Larry a heart attack victim to the hospital. Larry caught in the ambulance was delayed in getting the emergency room and asserts that as a result he has suffered greater damage to his heart muscle.

Alfonso on reaching Pierre slips on the banana peel and falls against Pierre. Their heads clash and both suffer severe concussion. Alfonso before attending law school had played NFL football. (The NFL is the professional football code played in the United States.) While being treated at Emory University Hospital Alfonso was diagnosed as suffering from Chronic Traumatic Encephalopathy (CTE) a brain dysfunction caused by repeated concussive blows to the head.

Three days later the Law Dean was showing Monte Moneybags around the law school. When walking through Classroom C, Moneybags slipped on a banana peel and twisted his ankle. Moneybags had given an oral promise to donate money to the law school to refurbish the law school classrooms. "This is no way to run a law school!" he screams. He revokes his promise.

It is shown that Miss Jean's Café, the law school's small coffee and snack operation, sells fifty bananas a day and that these are usually eaten by students on the law school premises. Bananas are also brought from outside the school for consumption on the premises. Neither Pierre, the students, or anyone responsible for cleaning and maintenance, can recall what happened to the banana peel that the good professor had brought to the Torts class that fateful morning.

Advise all those injured as a result of this contretemps* of the applicable legal principles.

DO NOT discuss the assessment of damages. If applicable, assume that the jurisdiction has adopted pure comparative fault and adheres to the common law rules relating to joint and several liability.

* An unforeseen event that disrupts the normal course of things.