TORTS

I. (40 points)

On a bright sunny day, Jones was piloting his own small plane over South Georgia. Suddenly, without any act or negligence on the part of Jones, the motor stopped. He glided the plane over a small lake and a small pond. He looked down in former Smith's cow pasture where the young cows strolled in the pasture. The field was very rough and Jones' plane suddenly came to a stop by colliding with Smith's barn. The damage to the field and the barn was $3,000. It is known that Jones had followed all of the pre-flight requirements, such as checking the gas and oil. Discuss Smith's rights against Jones. Assume that there is no state or federal statute making Jones strictly liable in this case.

II. (20 points)

During the evening of June 28, 1970, while White and Green were discussing the artistic abilities of a local dancer at the house party, they got into a heated argument. They decided to step outside to settle the matter. White punched Green and Green pulled out a knife and stabbed White. Smith was walking past the house and ran over to help. He whipped White to prevent him from hitting Green. Green barged into Brown with the knife and White, who had thought that Brown was Green, hit Brown on the back of the head with a board. Smith held the machete, valued over $500, and pulled out a pistol, pointed it at the 30-year-old and yelled, "It is a good thing that you have stopped or I would shoot you."

Discuss the rights and liabilities of each party. Assume that each of the parties was an adult male.

V. (20 points)

Willy is a very wealthy 70-year-old man who lives on a quiet rural estate near Atlanta. He has lost the use of his legs and has only enough energy in his arms to feed himself. Willy is confined to a wheelchair. Recently a very active 8-year-old boy has lived next door to Willy. They have been neighborhood friends for five years. Willy has never opposed this, but on July 8, 1995, the boy went over and Willy asked him to please not make so much noise. The boy replied, "You old man, why don't you die." Frustrated, Willy approached the window of the house and asked the boy to please not make noise. Willy said, "You silly old man, don't do it!" Frustrated, Willy hit the boy in the back yard and into Tom's gate. Tom is one of Willy's neighbors. The yard was surrounded by a wire fence and Frustrated looked at the heavy gate as he left. Two hours later, Willy screamed to find himself in a hospital, with a slight wound.

Discuss Fredo's liability to Willy. Do not discuss the problem of trespass to real property or battery.