

## PART II

Alfred and Bernie were planning their wedding under the law of Virginmont that has recently enacted legislation that permits gay and lesbian couples to marry. With Alfred's 14-year-old nephew Zeb, they excitedly travelled to "Master Cakes", a renowned designer cake shop in the city. The proprietor of Master Cakes is Donald Misère who vehemently opposed the legalization of gay and lesbian marriage in Virginmont. As soon as Alfred and Bernie indicated the purpose of the visit and asked for ideas for the design, Donald turned on to them and red-faced with jowls aquiver shouted at them foul obscenities calling them "animals" and "scum". Alfred and Bernie are humiliated and their great happiness turns to dismay and depression.

Donald grabbed Alfred and pushed him through other customers out of the shop and onto the crowded street. The force of the shove propelled Alfred into Cyril who was waiting to catch a bus to the airport to catch a Qatar Air flight to Sydney, Australia via Doha, Qatar. Cyril was pushed by that force onto the road where he was run over by a speeding car, the driver of which is never found.

The "Master Cakes" shop was, at the time, crowded with customers buying for Christmas. Omar a customer disgusted by Donald's abuse, hurriedly took a step back to leave the shop, and slipped on a piece of cheesecake on the marble floor of the shop. He fractures his hip and needs a hip replacement. In January Omar had been invited to try out for a major league team. He cannot take-up that invitation. He understands that his mobility will always be compromised.

Witnessing the abusive language directed at Alfred and Bernie, Zeb became upset sensing that he was being threatened by Donald. Zeb subsequently cannot sleep well and suffers from nightmares that Donald is stalking him. Zeb consulted his physician Dr Terry Tester who prescribed a form of oxycodone and fentanyl (both highly addictive opioids). Legislation requires that all prescriptions of opioids are to be reported to the Federal Department of Health and Human Services (DHHS) and that physicians are restricted to prescribe to only 275 patients unless that ceiling is lifted by the DHHS. Terry has not so reported and has exceeded the ceiling. The drugs are manufactured by a number of pharmaceutical companies in the USA and foreign imports often find their way onto the illicit market. Zeb becomes addicted to these opioids and to others that he is able to buy on the black-market. He becomes addicted to heroin. He drops out of high school, sleeps on the streets, and does not graduate as to fulfill his dream of attending Alfred's alma mata<sup>1</sup>; Alfred and Zeb had shared a close bond over many years and Alfred had been Zeb's inspiration during his childhood. Both Alfred and Bernie blame themselves for Zeb's troubles and Alfred suffers recurring epileptic seizures that become increasingly debilitating.

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<sup>1</sup> This refers to an individual's college or university from which he or she has graduated.

As the Qatar Air flight on which Cyril was booked, was about to land in Doha, Qatar a Saudi fighter jet fired a rocket bringing the plane down with the loss of all lives on board.

Advise the aggrieved parties of their avenues of legal redress. You are not expected to discuss constitutional law issues.

If relevant, apply the comparative negligence rule adopted in *McIntyre v. Balentine* p. 626 of the Torts Case Book and the apportionment rule adopted in *Bartlett v. New Mexico Welding Supply, Inc.* p. 390 of the Torts Case Book.