

TORTS FINAL

You have four and one half hours to complete the exam. Do not write your name or otherwise identify yourself in the exam books. Put your social security number on each exam book used. This is a closed book exam and you may have no study materials or other writings on you or near you.

I.

Two state employees are working on a large traffic sign over a freeway. The sign falls, striking a pick-up truck coming around a curve in the freeway at 100 miles per hour. State speed limit for the curve, set by statute, is 45 miles per hour.

Because of the impact of the sign, the truck comes to a screeching halt and explodes into flames, seriously burning TD's legs. The explosion causes glass to fly, some of which hits and injures motorcyclist riding on the freeway. TD's dog, which was riding in the back of the pick-up truck is also burned, and because of its burns becomes crazed, attacking and seriously wounding Bert, an ambulance attendant who arrives on the scene one hour later to assist in taking TD to the hospital.

Jack, the ambulance driver and owner, manages without Bert's assistance to begin driving TD to the hospital. Jack is already drunk and decides, since TD seems to be resting peacefully in the ambulance, to stop and have one more drink on the way to the hospital. He stops at a bar and stays for half an hour. Someone in a car backing drunkenly out of the bar's parking lot backs into the ambulance, causing head injury to TD, inside the ambulance. The car and driver speed away and are never identified or located. TD survives after eventual proper treatment at the hospital.

TD sues the state and Jack for negligence. The motorcyclist and Bert sue TD and the state for negligence. Analyze the potential prima facie negligence liability of the defendants. Do not analyze any potential defense of contributory negligence. Assume the state is liable, if at all, to the same extent and in the same manner as its employees.

II.

Joan goes to the Culpepper Air Show one Sunday. Prior to the show, various pilots of the old open cockpit, 2 seats biplanes offer to take anyone up for rides above the airfield for \$40.00; the ride includes flying a full, loop-the-loop, verticle circle above the airfield.