

PROFESSOR MACK  
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TORTS MIDTERM EXAMINATION

80 (2 sides)

THIS IS A CLOSED BOOK EXAM. YOU MAY NOT HAVE ANY WRITTEN MATERIALS WITH OR NEAR YOU. FAILURE TO COMPLY WITH THIS REQUIREMENT WILL BE A SUFFICIENT BASIS FOR BEING FAILED IN THE COURSE. DO NOT IDENTIFY YOURSELF BY NAME. USE THE LAST FIVE DIGITS OF YOUR SOCIAL SECURITY NUMBER. IF YOU USE MORE THAN ONE BLUE BOOK, NUMBER EACH BLUE BOOK WITH ITS OWN NUMBER AND OF BOOKS E.G., 1 OF 4, 2 OF 4, 3 OF 4 ETC.

Cora sees a small framed oil painting in the front of an antique store, without a price on it. Cora offers Jane the owner of the store, \$4000 for the painting. Jane says that \$4000 sounds good but that at the moment she is too busy with two other customers in the back of the store.

After Jane has gone to the back of the store to deal with her other customers, Cora takes the painting, leaving in its place a personal check for \$4000. Jane finished with her other customers in ten minutes and returns to speak with Cora, whereupon she discovers the check and that the painting is gone. Jane is very angry and goes looking for Cora.

After two hours of going up and down the nearby streets looking for Cora, Jane spots her in a bar, with the painting. Looking through the bar's window, Jane can see Cora is at the bar drinking with big and tough looking men, who appear to be Cora's friends.

Jane does not want to go up against all these men but doesn't want to leave for fear that she will never find Cora again. So Jane waits outside the bar, in the rain and the cold, for four

hours until all Cora's companions have left and Cora is alone at the bar.

Jane enters the bar with a very angry look on her face and heads toward Cora. The bartender, who is also the owner, doesn't like what she sees and yells at Jane to get out. Jane ignores her. Cora, sitting on a bar stool, sees Jane coming and grabs tightly to the painting with both hands. Without a word, Jane grabs hold of both of Cora's hands to pull them off the painting. Cora holds on, trying to get away at the same time. The bartender, on her side of the bar, comes towards them with a baseball bat and tells Jane to let go. Jane lets go, picks an empty beer bottle off the bar and hits Cora's fingers with the bottle, trying to get her to let go. The bartender swings the bat at Jane but misses and accidentally hits and breaks a large and expensive mirror behind the bar.

In trying to keep hold of the painting while avoiding the beer bottle, Cora loses her balance and falls off the stool still gripping the painting. Cora's arm breaks. The frame also breaks, scratching the canvas painting but not seriously reducing its value.

Jane heads out without the painting. As she is leaving, the bartender comes over the bar and walks up to Jane with the bat saying, "get out fast or I'll whack you." Jane floors the bartender with one quick punch and leaves.

Analyze the potential intentional tort liabilities between Jane, Cora, and Bartender.