

Torts practice questions.

I.

Al is hiking in the mountain wilderness of the high Sierras. Al sees a porcupine native to that area. Thinking cooked porcupine might taste pretty good, Al throws a rock at it. The rock misses the porcupine but hits Bo in the face. Bo is another hiker, of whom Al was unaware and could not see when he threw the rock. The porcupine was a pet owned by Bo's friend. She and Bo were taking her pet up into the wilderness to release it because they had read it was cruel to make pets out of porcupines. Analyze Al's liability, if any, to Bo for an intentional tort.

[A similar question from an exam: Jane goes camping in the mountains and brings her pet raccoon intending to set the raccoon free in the mountains after camping a few days. Al is hiking in the same area when he sees the raccoon sitting on a rock. Thinking a raccoon might make a tasty dinner, he throws a rock at the raccoon. He misses the raccoon but the rock hits Morva, another hiker whose presence in the area was unknown to Al. Morva sues Al. Analyze.]

II.

Al was in a back room of Bea's autoparts store, comparing one of his own car mirrors, which he had brought with him, to similar ones for sale in the room. Bea looked in the room just as Al was putting his own mirror back into his book bag. Thinking Al was stealing a mirror, Bea quietly shut and locked the door to the back room, went and got a police officer, and upon her return unlocked the door.

As the officer stood at the door, a number of customers from the front room came over to see what was going on. Bea holding her own gun quietly at her side, approached Al and politely requested to see the contents of Al's bag. Al took a minute to consider the situation, then emptied his bag, stating that this was more fun than he has had in a long time and that he was happy to show her the contents of his bag. Upon showing Bea the mirror was his, everyone departed Bea's store.

A few months later Al decides to sue Bea. Analyze Bea's potential intentional tort liability.