

TAKE EIGHT ... CIVIL CASES

Read the following cases and briefly respond to the questions at the end of each one. Be prepared to share your thoughts on one of the cases with the class. You will turn in this sheet for credit.

1. Kyle, who is 17, was shooting his rifle in the backyard doing a little target practice with old bottles on a fence. One of the bullets accidentally flew into his neighbor's yard and killed their pet cat, Mr. Fluffy. Did Kyle commit a tort? Could he be sued for this? Explain.
2. Mario was giving swimming lessons to Timmy at the YMCA. Mario got a phone call in the middle of the lesson and left Timmy in the pool alone for a few minutes. When he returned from the call, he saw Timmy floating face-down in the pool. Mario performed CPR and revived little Timmy; he was OK and made a full recovery. Did Mario commit a tort? If so, who could Timmy's parents sue? Explain.
3. After a long day at the office, Maria was driving home. She dozed off momentarily and crossed the highway dividing lane. She then crashed head-on into a mini van going the opposite direction. Both drivers were seriously injured, and their vehicles were "totaled." Has Maria committed a tort, a crime, or both? Explain.
4. During deer-hunting season, Hart drove miles into the country in search of game. He parked his pickup truck along a dirt road, climbed a fence, and hiked into the woods. Hart thought the land was part of a national forest. However, it actually belonged to Quincy, who had posted "No Trespassing" signs. Confronted by Quincy, Hart apologized for his mistake and left. Was Hart guilty of a tort? Explain.
5. Britt was driving home late one rainy night after drinking alcohol all evening. With only one headlight, she raced down residential streets at speeds up to 50 miles per hour. Meanwhile, Yee was backing her station wagon out of her driveway, but failed to look both ways when she should have. Britt rammed into the right rear end of Yee's car. Yee's station wagon was badly damaged, and she was injured. Can Yee collect from Britt? Explain.
6. Mrs. Lamm went to a grocery store and placed a carton of a carbonated soft drink in her shopping cart. One of the bottles exploded and the broken, glass cut her leg. Can she collect in tort from the grocery store or the bottler? Explain.
7. Horsley, the owner of a dry cleaning store, lived next door to Early, who was the editor of a small newspaper in their town. The two quarreled frequently and became enemies. As a consequence, when Early published a story on the drug problem in the town, he identified Horsley as "a drug dealer." This statement was untrue and defamatory. What can Horsley collect from Early? Explain.
8. Claxon's car collided with Da Lucia's in an intersection that had four-way stop signs. Claxon's car was badly damaged by Da Lucia's car, so she sued for damages. Claxon claimed that Da Lucia was going at least 20 miles per hour and had not stopped, but had merely slowed down, for the sign. Da Lucia claimed he had stopped and had not yet reached five miles per hour. He said he entered the intersection first and Claxon tried to swing around his front end but had failed. Two witnesses saw the accident and could testify. How can the court determine what really happened? Explain.