

Torts II, Spring 2018

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SPECIAL STUDY SET OF *LESS USEFUL* RELEASED MULTIPLE-CHOICE QUESTIONS

Answers

27. C
28. B
29. B
-
37. D
-
39. E
40. E
41. B
42. D
43. E
44. B
-
58. B
59. A
60. B

Explanations for Selected Questions

Question 37: The answer is D because the gumball is completely destroyed, so the remedy of a forced sale is appropriate. With A, the Prius isn't completely destroyed, so that's a less-good case for an actionable conversion. With C, same thing: the Slushee machine isn't destroyed, so it's less certain as an actionable conversion than the chewed-up gumball. Now, the Slushee machine *might* qualify as a conversion – that's arguable. But the gumball is 100%, so D is the correct answer. (Let me be candid: This is an old question, and I don't love it. Although I didn't intend it to be tricky, I suspect it may draw people off for the wrong reasons. And that's the sort of thing I try to avoid.)

Question 38: The answer is C because packing a parachute is not an ultrahazardous activity, and it otherwise doesn't qualify for strict liability. Meanwhile, A (keeping of a wild animal), B (crop dusting, an archetypal well-recognized

ultrahazard category), D (defective product), and E (trespassing livestock) are clearly instances of strict liability.

Question 39: The answer is E because I, II, and III are inaccurate. I is inaccurate because, among other reasons, there was no intent to effect a touching. II is inaccurate because Shalini was not engaged in an ultrahazardous activity. III is inaccurate because the injury was not caused by a defective product commercially distributed by Shalini.

Question 40: The answer is E because I, II, and III are inaccurate. I is inaccurate because, among other reasons, there was no intent to effect a touching. II and III are inaccurate because workers compensation bars Olaf from recovering from his employer in tort for the accident arising in the course of his employment. III is also inaccurate because the injury was not caused by a defective product commercially distributed by Blastodyne.

Question 41: The answer is B because I and III are inaccurate and II is accurate. I is inaccurate because, among other reasons, there was no intent to effect a touching. II is accurate because mass manufacturing of chemical components of explosives in an area with a density of residences and a sparsity of industrial activity is an ultrahazardous or abnormally dangerous activity. III is inaccurate because the injury was not caused by a defective product commercially distributed by Blastodyne.

Question 44: The answer is B because I and II are not correct and III is correct. I is not correct because Jolene is barred by workers compensation from recovering from her employer in tort for the accident suffered in the course of her employment. II is not correct because there is not a design defect that has caused Jolene's injury. III is correct because the problem with the plastic-injection molding that resulted in a faulty part constituted a manufacturing defect, and this manufacturing defect caused the injury.

Question 59: The answer is A, in part because of constitutional due process issues. Plaintiff Lourdell's punitive damages award will likely be limited to be substantially less than \$160,000 on appeal.