

TORTS B – FORELL
PRACTICE MIDTERM EXAM

(One Hour)

Edwina, whose eyesight is failing, was busily trimming her rose bushes which border the public sidewalk along the side of her house when Willy, who was out on his daily jog, waved to Edwina as he took an unplanned shortcut through her backyard. Edwina, who couldn't tell who Willy was, waved back in protest and ran towards Willy with her pruning shears in hand.

Willy's friend, Ralph, who was walking nearby, noticed the developing events. Concerned for Willy's safety, Ralph rushed up to Edwina from behind, pushed her to the ground and took away her pruning shears. Ralph then tossed the shears in a rosebush and ran towards Willy.

Just at that moment, Lenny, who dislikes Willy, walked around the corner and saw Willy running through Edwina's backyard. Lenny threw a rock at Willy and in the process stumbled and fell. The rock missed Willy and hit Ralph instead.

After regaining her feet, Edwina picked up her shears, scratching herself in the process, and walked over to Lenny who lay splayed on his back on the sidewalk. Mistaking him for Ralph, Edwina stood over Lenny, pinning him in place. Snapping her razor-sharp shears menacingly close to Lenny's belt buckle, Edwina angrily snarled: "Go ahead, make my day." Thoroughly embarrassed and humiliated, and fearing for his personal safety, Lenny cowered before Edwina and the gathering crowd of curious neighbors and passers-by.

Unaware of any of these events, Willy ran on.

Assume your jurisdiction follows what the majority of jurisdictions' law is. Discuss any tort actions and defenses which the foregoing facts would justify raising in the following cases along with any problems that such actions and defenses might present. Recommend whether plaintiff should sue in each case.

1. Edwina v. Willy
2. Edwina v. Ralph
3. Ralph v. Lenny
4. Lenny v. Edwina

Point of information: Trespass to land protects the interest in exclusive possession of land. Liability in most jurisdictions will result as long as the actor intentionally physically invaded real property that was owned by someone else.