

MINI-EXAM

Instructions

DO NOT GO BEYOND THIS PAGE UNTIL THE EXAM ACTUALLY BEGINS.

While you are waiting for the exam to begin, be sure that you have written the THREE DIGIT MINI-EXAM NUMBER on each bluebook, that you have read these instructions, and that you are otherwise ready to begin.

This exam will last **50** minutes. Plan on spending at least 10 MINUTES reading the question and outlining your answer. REREAD the question to be sure you haven't missed anything.

Please discuss only the kinds of issues that would be raised as a result of what you have learned through Chapter 1. Please **OMIT** from your analysis any discussion of issues that are covered beyond that point, including proximate cause, the assessment of the amount of recoverable damages, contributory fault, claims against governmental entities, allocation of fault among defendants, or any affirmative defense.

**DOUBLE-SPACE** your answer in the blue-book(s).

If you use more than one bluebook, label each bluebook, *e.g.*, "Book 1"; "Book 2"; etc.

You are welcome to use abbreviations, but indicate what they are, *e.g.*, "Andropov (A) would sue Brezhnev (B). B would be liable to A if ... ."

Plan on spending 5 minutes or so at the end **PROOFREADING** your answers. You may not write **ANOTHER WORD** after time is called.

You may **KEEP** your copy of the exam questions if you wish.

**REMEMBER THE HONOR CODE: DO NOT IDENTIFY YOURSELF**

DOUBLE SPACE!

GOOD LUCK!

DOUBLE SPACE!

### Question

Francis Rychnovsky is the owner of a home located at 634 West Logan in the West Logan Place Addition of Moberly, Linden. The home sits at the bottom of a hill and shares a private gravity flow sewer line<sup>1</sup> with another subdivision home belonging to the Brainerds, located up on the hill. In July 2003, the sewer line began draining raw sewage into the basement of Rychnovsky's home. The City of Moberly notified Rychnovsky and Brainerd, in February 2004, that leaks in the private sewer line had resulted in sewage running across the sidewalk and into a storm grate. By July 2004, Rychnovsky's basement was filled with untreated sewage. A dye test revealed that the basement sewage flowed from the Brainerd property.

Rychnovsky would like to know what she can do about the damage to her property. What would you tell her?

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1. A private sewer line connects properties before they join to a publicly operated sewer line. In this case a 4" pipe ran from the Brainerd house to the Rychnovsky property, and from the Rychnovsky property a line ran 81 feet to the county sewer line.