

MINI-EXAM

Instructions

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

THIS IS A **CLOSED BOOK** exam.

BLUEBOOK USERS: Write your *midsemester* exam # on the bluebook.

EXAMSOFT USERS: Enter your *midsemester* exam # where you are prompted, and fill out the other information. Before beginning the exam, read these instructions, and make sure that you are otherwise ready to begin.

This exam will last 50 minutes. Plan on spending time at the beginning 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 negligence, governmental immunity or liability, medical malpractice, product liability, or any other issue other than the theories of liability we have already covered in class.

Bluebook users should DOUBLE-SPACE their answers; Examsoft users should single-space (the printout will automatically be in double-space).

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 at least 5 minutes 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

Virginia Hickey owned a 1997 Honda Accord. She became acquainted with Casey Molek, ten years old, and his father, William Lloyd, who earned a living as a handyman. Lloyd offered to help Hickey renovate Hickey's kitchen. Lloyd did not own a vehicle, so in the course of the renovation work he borrowed Ms. Hickey's Honda in order to obtain plumbing supplies. Unbeknownst to Hickey, Lloyd did not have a license to operate a vehicle in Evergreen. In the course of driving the vehicle Lloyd entered a one-way street going the wrong direction and became involved in a fatal collision with a truck.

Molek had no other relatives and his care was taken over by the Evergreen Department of Public Welfare ("DPW"). On Molek's behalf DPW has filed a lawsuit alleging that Hickey must pay damages to compensate DPW for assuming care of Molek. DPW relies upon an Evergreen statute that reads as follows:

Pennsylvania Statutes and Consolidated Statutes Annotated
Title 75 Vehicles
Part II. Title, Registration and Licensing
Chapter 15. Licensing of Drivers
Subchapter C. Violations

§ 1574. Permitting unauthorized person to drive

- (a) General Rule.-No person shall authorize or permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized under this chapter or who is not licensed for the type or class of vehicle to be driven.
- (b) Penalty.-Any person violating the provisions of subsection (a) is guilty of a summary offense and shall be liable, along with the driver, for any damage caused by the negligence of such driver in operating the vehicle.

Assume for purposes of your analysis that DPW has standing to sue Hickey on Molek's behalf, and assume that the damages if proven would be \$150,000. At the same time, ignore any contributory fault on the part of Lloyd. Please analyze whether Hickey could be required to pay tort compensation to DPW/Molek.