

(PRACTICE) 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 **55** 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, governmental liability, or any other affirmative defense.

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

Assume that this case arises in the state of Linden.

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.

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

DOUBLE SPACE!

GOOD LUCK!

DOUBLE SPACE!

Question 1

Larry Freund, aged 18, was employed as a blaster's helper at Industrial Rock Products rock quarry. He had dated Wendy Clark through their high school years. In the fall of 2006 Clark began attending Perkins University, on the other side of the state. Perceiving that they were becoming estranged because of distance and her new friends at school, Freund became increasingly insistent that she leave school and return to her home near where he lived. This she declined to do.

On November 17, 2006, Clark learned that Freund was on his way to Perkins to confront her. Campus police were alerted and Clark moved to a different floor of the dormitory for the night. Freund arrived that night but, being unable to locate her at the dormitory, left peacefully. The next day Clark agreed to meet with him in her resident adviser's room and did so. When the adviser ultimately asked him to leave, Freund told Clark that she "would feel a concussion" from his car. When she expressed disbelief, he said "[y]ou can say what you want, but I do have it and it is hidden."

Freund left but shortly thereafter returned with a satchel. He knocked on her door and then began kicking it. Finally he announced that if she didn't open the door, "a lot of innocent people are going to get hurt" and added, "with 50 pounds of dynamite." Clark and other students on the floor panicked and fled past him and down the stairs passing the campus police on their way up. One of the students pointed to Freund and said "he has a bomb". When the officers arrived, they found Freund screaming, shouting obscenities and threatening to blow them all up. In his right hand he held a battery and in his left hand a wire which led to the satchel containing what appeared to be industrial dynamite. The officers tried to calm him down. When this proved unsuccessful, they tried to disarm him. An explosion ensued. It killed Freund, seriously injured two campus police officers and caused extensive damage to the dormitory and its contents.

The university is now preparing to file suit against Industrial Rock Products to recover for the damage caused in the explosion. Ignore any causation issues. Analyze the theories under which Industrial Rock Products could be held liable.