

PRACTICE EXAM

Instructions

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

FOLLOW the instructions of the proctor for initiating the ExamSoft software. If you are using a BLUEBOOK instead of ExamSoft, be sure that you have written your exam number on the bluebook(s) and that you are otherwise ready to begin.

This exam will last 60 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 3A. Please **OMIT** from your analysis any discussion of issues that are covered beyond that point, including governmental immunity, multi-party liability, comparative fault, or any other issue other than the issues we have already covered in class.

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 10 minutes at the end **PROOFREADING** your answers. You may not write **ANOTHER WORD** after time is called.

REMEMBER THE HONOR CODE: DO NOT IDENTIFY YOURSELF

GOOD LUCK!

Question

On June 30, 1994, the Hawkins Construction Company was engaged in constructing the Arthur C. Storz Expressway. Jerome Franks, a summer employee of Hawkins, was using a large bulldozer as part of the construction project. At the end of the day Franks parked the bulldozer on the edge of a pond. Sometime during the evening of June 30 an unknown person climbed aboard the bulldozer, started it, put it into forward operation, and then abandoned it. The bulldozer struck a natural gas pipeline belonging to North York Public Service Company (NYPSCO). There was an explosion and fire that destroyed the bulldozer and set fire to fields that destroyed several warehouses and outbuildings owned by Reese Farms, Inc.

Reese would like to know what options it has for recovery of the cost of its buildings. The damages have been assessed at \$200,000. Please prepare a memo with your advice regarding liability.

WEST YORK STATUTES ANNOTATED
TITLE 14. MOTOR VEHICLES
SUBTITLE 3. RULES OF THE ROAD

§ 14-50. Unattended motor vehicle.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.