

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 LAST FOUR digits of your SOCIAL SECURITY NUMBER on each bluebook, that you have read these instructions, and that you are otherwise ready to begin.

This exam will last 1 HOUR. 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 2, p. 2-15. Please **OMIT** from your analysis any discussion of issues that are covered beyond that point, including legal cause, contributory fault, and the assessment of the amount of recoverable damages.

DOUBLE-SPACE your answer in the blue-book.

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 10 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

Until March 18, 1993, Susie J. Dudley resided at 4300 Fairview Avenue in Baltimore City; since 1963, she had purchased gas from Baltimore City Gas & Electric ("BG & E"). Ms. Dudley left her home on the afternoon of March 18, 1993. When she returned that evening her home had been totally demolished by fire.

From further investigation you have learned the following: prior to March 18, 1993, she never had any problems with natural gas leaks in her home, never smelled the odor of natural gas in or around her house, never notified BG & E of any gas leaks in or around her house, did not know of any neighbors who had notified BG & E of any gas leaks in the area of her house, and did not recall ever observing BG & E employees working in the area around her house. The Baltimore City Fire Department's fire investigation report stated that the first officer on the scene found "heavy blue flames from the front of the basement and the walls were already down" and that "it is the opinion of this investigator there was a natural gas leak in the area of the gas meter, which over a period of time built up in the basement ceiling and upper regions of the house." The report of a BG & E customer service supervisor stated that after the fire a test "on the existing service and metal installation ... indicated a slight gas leak."

The Natural Gas Pipeline Safety Act authorizes and requires the Secretary of Transportation to "establish minimum Federal safety standards for the transportation of gas and pipeline facilities. Such standards may apply to the design, installation, inspection, emergency plans and procedures, testing, construction, extension, operation, replacement, and maintenance of pipeline facilities." 49 CFR § 192.353 (1992) requires that meters "must be installed in a readily accessible location [,] ... be protected from corrosion [,] ... be located in a ventilated place and not less than 3 feet from any source of ignition or any source of heat which might damage the meter"). 49 CFR § 192.361(e)(1992) provides that each underground service line must "[b]e sealed in the foundation wall to prevent leakage." BG & E has photographs of the meter assertedly showing the meter's placement in an open, ventilated space, and of the service line, assertedly showing that it was properly sealed.

Dudley has come to your office to find out if she can recover for her losses. How would you advise her?