

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 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, or any other 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 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

In 1986 La Sal Oil Co. and Rio Vista Enterprises built a 24-pump gas station and convenience store (Gas'n'Go) on Main Street in Widespot, York. Main Street is located approximately three tenths of a mile from the interstate highway. In 1992 Jack and Laticia Walker purchased adjacent property on Main Street, situated northwest and allegedly downgradient from the La Sal gas station. They constructed the Walker Drug Building, the Old City Market Building, and a liquor store. In approximately February of 1996, the Southeastern State District Health Department received complaints of gasoline fumes in and around the Walker Drug Building. The State Geological and Mineral Survey investigated the matter and discovered an underground gasoline plume¹ near Gas'n'Go. An Environmental Protection Agency Environmental Response Team subsequently determined that a gasoline plume of approximately 6.5 acres was migrating northwest toward two creeks which eventually flow into the Columbia River.

La Sal Oil Co. then began the process of the excavation, removal, and replacement of all the underground gasoline lines at the La Sal station. Charles Ray Klepzig, President of La Sal, told Jack Walker that was looking for a gasoline leak. A soil gas ventilation system was installed at the expense of La Sal and Rio Vista to remove gasoline fumes from the Walker Drug Building and state and federal environmental agencies were investigating the contamination.

The Walkers have now come to your office. Following the discovery of gasoline fumes and the beginning of efforts to discover and deal with the gasoline leak, receipts at the Walkers' various businesses have fallen by 40%. Parking has been disrupted and the appearance of the area has been hurt. The Walkers want to know if they can receive any compensation for what has happened to them. What would you tell them?

¹A "plume" is an expression used to describe the way in which a substance penetrates through the soil and spreads underground.