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## Essay Question 1

Chip and Jane had been married for 20 years. To celebrate their wedding anniversary, they went to their favorite Chinese restaurant, Joyful House. They ordered their appetizers (pork buns and egg rolls) and a very large bottle of rice wine. Unbeknownst to Chip, Jane had just discovered that Chip had been having an affair with their mail carrier Mary for the past two years. Jane had been waiting for this anniversary dinner to confront Chip about the affair. She kept delaying the conversation, drinking more and more rice wine, and avoiding consuming any appetizers that otherwise would have mitigated the effects of the alcohol. Finally, she loudly confronted Chip about the affair. He denied it, and this enraged her. She grabbed an eggroll and lobbed it at Chip's head. The eggroll sailed past Chip and hit Fred, another patron, in the eye. The eggroll's crispy corner punctured Fred's eye. He screamed in pain, and his wife Wanda looked on in horror.

Jane decided she needed a lighter projectile. She picked up a pork bun and hurled the pork bun at Chip. Chip ducked, avoiding the pork bun, and the pork bun bounced to the floor. Chip grabbed his keys and ran out of the restaurant. Jane kept throwing pork buns from her table at the restaurant door long after Chip had gone. The entire eggroll and pork bun throwing incident lasted about ten seconds. Just then, Phillip entered the restaurant. Unbeknownst to Phillip or anyone, an alley cat slipped into the restaurant as he opened the door. Phillip, of course, didn't know about the eleven pork buns right inside the door. The cat, however, quickly noticed the pork buns, and she jumped to grab one. Phillip, not seeing the cat, tripped on the cat and her bun and fell, breaking his right arm. Walt, the waiter, promptly helped Phillip up and called the ambulance for Fred and Phillip.

Fred has incurred \$200,000 in medical expenses and is expected to incur an additional \$100,000 in future medical expenses. He can no longer see out of his left eye, and, as a result, had to quit his job as an airline pilot. He has incurred \$200,000 in lost wages, and experts estimate that he will lose \$1,000,000 in future lost wages. He is upset about the changes this monocular life has brought him. Wanda claims that she has suffered severe emotional distress. In addition, she reports that she still has nightmares about flying appetizers. Wanda and Fred have started to grow apart. They used to play tennis together once or twice per week, but Fred has lost his depth perception and can no longer play. Now they spend most of their time together binge-watching television.

Phillip has incurred \$3,000 in medical expenses. Phillip has brittle bone disease, which is caused by a genetic disorder. He most likely would not have broken his arm as a result of his bun-fueled fall if he did not have the disease. Phillip took off his cast three weeks early because it was itchy, and he will incur an additional \$2,000 in medical expenses as a result. To support Phillip, who doesn't have any family, Phillip's synagogue raised \$5,000 at a spaghetti supper to pay for Phillip's medical expenses.

The alley cat had never been seen before at Joyful House. The cat sustained no injuries and was subsequently adopted by Walt the waiter.

Discuss all viable claims and defenses in the above scenario.

## Essay Question 2

### Food Code § 12.2

Food preparation at temporary food service establishments shall be conducted in an enclosed shelter or booth that conforms with the following requirements:

- (a) floors shall be of tight wood, asphalt, or other cleanable material; and
- (b) ceilings shall be made of wood, canvas, or other materials that protect the interior of the establishment from weather. Walls and ceilings of the food preparation areas shall be constructed in a way that prevents the entrance of insects or other vermin. Screening material used for walls, doors, or windows shall be at least 16 mesh to the inch....

\* \* \*

Every year during the Cooke County fair, the Pie Ladies sell pieces of pie to fair goers. The Pie Ladies are the mothers (and one father) of kids in the Cooke Soccer League, and proceeds from pie sales support the league (uniforms, equipment, tournaments, and travel). The pies are baked at home by the Pie Ladies and then sold at the fair to customers who come to the shack. Each year, the Cooke County Fair rents the Pie Ladies the same shack. It's a mid-sized wooden shack with screen doors and screened windows. (The screens are 16 mesh to the inch). The pies are served inside the shack on big picnic tables. The shack has a dirt floor, but the Pie Ladies carefully wash the floor with a highly-concentrated bleach solution each night before closing down. They keep the pies in big refrigerators that line the back wall of the shack.

Robert loves the Pie Ladies' pies. He goes to the shack to get his annual piece of chocolate cream pie. He sits down at a table with his piece of pie and a fork. There is something off about the first bite. He pokes around in the piece of pie and finds a near-dead mouse in the pie. It's missing the very tip of his tail, which appears to have been in Robert's first bite of pie. Robert gags. He takes the pie back up to the counter and complains to one of the Pie Ladies. She explains to Robert that the mouse must have just gotten into the pie because it had been in the shack fridge for 24 hours and was just taken out a few minutes ago. She apologizes profusely. Robert storms out of the shack swearing to never eat pie (or a mouse) again.

Robert contracts Hantavirus Pulmonary Syndrome (HPS). HPS is a rare but deadly viral infection that is contracted through exposure to the urine, droppings, or saliva of rodents. While HPS has a mortality rate of 48%, Robert survives. He suffers headaches, dizziness, chills, vomiting, diarrhea, and abdominal pain. He incurs \$8,000 in medical bills.