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**THE UNIVERSITY OF BRITISH COLUMBIA
ALLARD SCHOOL OF LAW**

MID-YEAR EXAMINATION – DECEMBER 7, 2018

**LAW 241:001 Torts
Professor Bobinski**

TOTAL MARKS: 100

TIME ALLOWED: 60 MINUTES

(PLUS 15 MINUTES READING TIME)

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**One Fact Pattern: 4 Questions
Answer ALL questions
This exam is worth 20% of the final grade in this course**

- NOTE:**
1. This is an open book examination. Students may bring in and refer to written notes, books, or any other printed materials. Accessing electronic materials or other resources through, e.g., mobile phones, laptops etc. is not permitted. **Students are permitted to annotate the examination paper but may not begin answering the exam questions during the 15 minutes reading time.**
 2. Record your Exam Number at the top of the Exam Cover page. Students who handwrite their examination answers should write their exam number on the front of each examination booklet used for their answers. All examination papers and all booklets must be turned in to the invigilator at the completion of the exam.

FACT PATTERN

Gru recently moved next door to Scarlet in Vancouver, BC. Scarlet and Gru were long-time arch-enemies as a result of a decades-old dispute involving Gru stealing a crown that Scarlet had hoped to take for herself. Scarlet disliked having Gru as a neighbor, and decided to launch a campaign of 'terror' to force him from the neighbourhood!

Scarlet installed motion sensor detectors with built in lights and video cameras on her own property; the devices light up and begin to record video when movement is detected. She trained the lights and cameras in the direction of Gru's property. Scarlet used high-wattage bulbs which cast a very bright light onto Gru's property and directly through the windows of his house. A family of raccoons living at the edge of Scarlet's property often set off the motion sensor lights and cameras in the middle of the night. Although Scarlett was overheard saying that she installed the detection system out of concern for her security, there were no reports of homes being burglarized in the neighbourhood.

Scarlet had her minions knock on Gru's front door in the middle of the night and then run away. She would call Gru's main landline at his house (which had a very loud ringer) at all hours of the night and say "I'm going to get you" before hanging up.

When her tactics appeared to be failing, Scarlet created a flyer that her minions distributed all around the neighbourhood. The flyer had a prominent picture of Gru, with the following quote underneath it: "Get this criminal menace out of our community!" The flyer listed Gru's address and phone number. Scarlet and her minions posted the flyer all around the neighbourhood, and left stacks of flyers at the front door of all the houses on the street. Following distribution of the flyer, Gru began receiving phone calls and letters from individuals in the neighbourhood demanding that he leave. On one occasion, Scarlet used her video cameras to live-stream video showing Gru on his front porch. Thereafter, Gru's house was "egged" a few times.

The late night phone calls and door knocking were deeply disturbing for Gru, and he was kept up at all hours of the night by the lights triggered by Scarlet's motion sensor detectors. When he saw the flyer that had been distributed around the neighbourhood, Gru became very worried for his safety, anxious and afraid. The subsequent activities of the neighbours furthered his anxiety and fear.

On a visit to his doctor, Gru discussed his situation. His doctor stated that the sleep deprivation he was experiencing was increasing his blood pressure and weakening his immune system, putting him at risk for more serious illness. Gru's doctor prescribed medication to calm his anxiety and fear. Finding it difficult to leave his house, Gru had taken a medical leave of absence from his work. Gru cycled between anger at Scarlet and feelings of hopelessness about his circumstances.

Finally, one day last week as Gru was returning home from another doctor's appointment, he spotted Scarlet in the driveway outside of her house. Mustering the courage to confront Scarlet about her conduct, Gru whipped into his driveway, screeched to a halt (barely missing the front of his garage), jumped out of his car, and raced next door, carefully using the sidewalk to approach Scarlet's front door. Although Scarlet sprinted toward her house to avoid Gru, he managed to arrive

(Fact Pattern, continued)

at the front door before Scarlet slammed it shut. Meanwhile, in her hurry to get inside, Scarlet dropped a priceless family heirloom lamp that she was holding. It shattered into several pieces in the doorway. She was stunned and heartbroken. Worse yet, she couldn't slam the door shut without further destroying the lamp!

Gru saw the problem immediately and, forgetting his anger for the moment, reached down and began trying to help by picking up pieces of the lamp. Scarlet – shocked and shattered by her situation – cried out and tried to wrestle the lamp piece out of Gru's hand, cutting them both in the process. Gru dropped the lamp piece, clutching his hand and bellowing in pain. Gru quickly retraced his footsteps, ran into his house, slammed the door, and called his lawyer.

Questions

- Discuss and assess the strength of any reasonable tort claims Gru can bring against Scarlet.
- Discuss and assess the strength of any reasonable defences that Scarlet could raise.
- Discuss and assess the strength of any reasonable tort claims Scarlet can bring against Gru.
- Discuss and assess the strength of any reasonable defences that Gru could raise.
- Do not consider any issues related to nuisance or damages.

END OF EXAMINATION