

Write Your Exam Code Here: \_\_\_\_\_

Return this exam question paper to your invigilator at the end of the exam before you leave the classroom.

**THIS EXAMINATION CONSISTS OF 4 PAGES(INCLUDING THIS PAGE)**

**PLEASE ENSURE THAT YOU HAVE A COMPLETE PAPER**

**THE UNIVERSITY OF BRITISH COLUMBIA  
FACULTY OF LAW**

**FALL SEMESTER EXAMINATION – DECEMBER 2019**

**LAW 241**

**TORTS**

Section 4

Professor Goold

**TOTAL MARKS: 100**

**TIME ALLOWED: 60 MINUTES**

**(AND 10 MINUTES READING TIME)**

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- NOTE:**
1. This is an **open book** examination. Communications devices such as mobile phones are not permitted. Candidates are permitted to annotate the examination paper during the 10-minute reading time.
  2. Candidates must answer **two** questions from Section One (each of which is worth **25** marks) and **one** question in Section Two (which is worth a total of **50** marks). No additional marks will be awarded for answering a third question in Section One or a second question in Section Two.

**THIS EXAMINATION CONSISTS OF TWO SECTIONS  
(WITH FIVE QUESTIONS)**

**SECTION ONE**

Answer any **TWO** of the following three questions:

1. Should distributive justice be the basis of modern tort law? What would be the implications of moving away from the current commitment to corrective justice in the law of torts? Explain your answer with reference to materials you have read for Torts this year.

**(25 marks)**

2. Do we need intentional torts of assault and battery? Would it be better to leave harms against the person to be dealt with through the criminal law? Explain your answer with reference to materials you have read for Torts this year.

**(25 marks)**

3. Why do we have torts? What is it that the law of torts sets out to do? Explain your answer with reference to materials you have read for Torts this year.

**(25 marks)**

**SECTION TWO**

Answer **ONE** of the following two questions:

4. Alan, Bruce, and Carly are all university students who live together in a small house off campus. Every Saturday afternoon they play street hockey in the laneway behind their house. Their games are friendly but usually very rough. There is a lot of pushing and shoving, and all three of them have been knocked over many times during their games.

One day Alan, Bruce, and Carly are playing street hockey together – Alan is in goal, Bruce is defending, and Carly is on offence. While they are playing, their friend David stops by and asks if he can join the game. Alan, Bruce, and Carly all say yes, and so David joins Carly on offence. After about five minutes of playing, David gets the ball and prepares to take a shot on goal. Before David has a chance to shoot, Bruce runs into him with his shoulder and knocks him to the ground. David gets up and yells: “What was that?” Before Bruce has a chance to answer, David hits him hard on the arm with his stick. David then drops his stick and starts walking towards Bruce with clenched fists. Carly rushes between them and pushes David to the ground. Alan then comes over and sits on David, telling him: “I’m not getting off until you calm down.” After five minutes of struggling David says: “Okay, I’m calm. Now get off me.” Alan gets off David, who starts to leave. As David walks away Alan calls out: “If you ever come over here again, I’ll do more than just sit on you!”

**Advise Alan, Bruce, Carly, and David of any potential liability in intentional torts. Explain your answer with reference to materials you have read for Torts this year.**

**(50 Marks)**

## LAW 241.004

5. Scott and Bobby live together in a two-bedroom apartment. Bobby is an avid comic book collector and keeps thousands of comic books in his room. Many of the comic books are valuable collector's editions that have never been read and are contained in sealed plastic pouches. Bobby is also a very private person and usually keeps the door to his bedroom locked. Scott does not know anything about comic books and finds it strange that Bobby always locks the door to his room.

One day while Bobby is out, Scott decides to go into Bobby's room to see if he has anything to read. Scott tries the door to Bobby's room and finds that it is unlocked. Scott looks around the room and sees a comic book in a plastic pouch on Bobby's desk. Scott takes the comic book back to the living room, opens the plastic pouch, and starts to read the comic book.

Bobby comes back to the apartment and sees Scott reading his comic book. Bobby is extremely upset and yells at Scott: "What are you doing? That comic is worth a fortune!" Scott tells Bobby to calm down and says: "What's the big deal? It's just a stupid comic book." Bobby keeps yelling at Scott, who eventually leaves the apartment with the comic book. As he walks out, Scott says: "I am sick of living with you. I'm never coming back!"

The next day Bobby receives an email from Scott saying that he is not coming back to the apartment and he is keeping the comic book to punish Bobby for yelling at him. Attached to the email is a photo of Scott holding the comic-book. Bobby notices that some of the pages of the comic book appear to be torn.

**Based on the facts above, what actions may be available to Bobby in intentional torts? Is he likely to be able to bring a successful action against Scott? Explain your answer with reference to materials you have read for Torts this year.**

**(50 Marks)**

**END OF EXAMINATION**