ANSWERS TO FINAL EXAM REVIEW PROBLEMS - SPRING 2023

CHAPTER 5

- a) Judgment is for Doug. Doug could prove all four elements for negligence. Denise owed a duty of care to Doug because he was a business invitee and she breached this duty of care to warn him of the non-obvious risk of him getting injured by the broken chair. In addition, Denise was both the actual and proximate cause of Doug's injury because "but for" Denise's not removing the broken chair, Doug would not have gotten hurt and Doug, as an invitee to her business, was a foreseeable victim in the "zone of danger." Lastly, Doug suffered a legally recognizable injury as a result of the chair leg breaking off and stabbing him in the leg.
- b) Judgment is for Denise. Gigi would not be able to prove a negligence claim because (1) Denise did not appear to owe a duty of care to Gigi and (2) there was no proximate causation involved as Gigi was not a foreseeable victim. There was no direct connection between Denise's conduct and Gigi's injury, as Gigi was 2 blocks away when Doug's scream startled her and caused her to crash into the parked car.

CHAPTER 6

- (a) Yes, Christian does have a strict product liability claim against Pepsi because he could prove all six elements needed: (1) the Pepsi glass bottle appeared to be in a defective condition when it was sold because the facts show that the bottle was fragile because of an error in the Pepsi manufacturing plant, (2) Pepsi was connected to the product because it manufactured the bottle, (3) the bottle shattering made it unreasonably dangerous, (4) Christian was physically harmed, requiring 25 stitches, (5) the defective bottle was the proximate cause of Christian's injury, and (6) there is no evidence that the bottle had been substantially changed from the time the bottle was sold to the time Christian's suffered his injury.
- (b) Yes, Christian also has a strict product liability claim against Rite Aid as well. All six requirements, as mentioned above, can be proven as applied to Rite Aid. Under the theory of strict product liability, Rite Aid, as a retailer, has a connection to the product and therefore can be sued.
- (c) No, Christian does not have a claim against Frankie because Frankie was not a participant in the chain of manufacturing and distribution, i.e., he had no connection to the making and selling of the product.

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