



**PART B**

4. P, whose car had gone for repairs, borrowed her father, Q's car for the purpose of taking P's sons, S and T, to karate class. As P was driving at high speed along a country road, a cow owned by B dashed suddenly from C's adjacent, unfenced field, where the cow had been grazing (without C's consent) and collided with the car. P, who was not wearing a seatbelt, was thrown through the windscreen, and was killed instantly. S and T were gravely injured. The cow was slightly wounded. A passing motorist called the state-owned ambulance service on his cellular phone, but the ambulance men were on a 'go-slow' in furtherance of an industrial dispute, and the ambulance did not arrive on the scene until an hour later, by which time T had died from his injuries.

Discuss.

5. Bravo, a technician employed by Tam-tam Electronics Inc, is sent to repair an air-conditioning system on board M.V. Rustbucket, a ship owned by Grime Lines Ltd., and moored at the Drabtown Harbour. When on board, Bravo enters a prohibited area in order to smoke a ganja joint. He is immediately approached by a fierce-looking sniffer dog belonging to Grime Lines Ltd. The dog has been attracted by the scent of the ganja. Bravo immediately takes to his heels and, in his haste to leave the area, falls from a badly rusted walkway and sustains serious injuries.

Bravo is 30 years old at the time of the accident. He is now permanently paralysed and needs constant nursing care. His mother, Kitty, has given up her job as a school teacher, for which she was paid \$3,000 per month, in order to look after Bravo. Bravo can no longer work. He has received an *ex gratia* payment of \$15,000 from his employers and he receives \$1,000 per month unemployment benefit from State funds, and \$1,500 per month from a personal accident insurance policy.

Advise Bravo as to:-

- (i) whether he may have good causes of action in tort against (a) Tam-tam Electronics Inc. and (b) Grime Lines Ltd.; and
- (ii) how the court will approach the assessment of damages, in the event that he does have any claim(s).

PLEASE TURN OVER

6. Rabbit, a lecturer in Statistics at the University of Caribou, posts a notice on October 1 on the University's Internet Bulletin Board, hosted by Foxnet, a local ISP (Internet Service Provider), and which is accessed by academics and students world-wide, to the effect that a book authored by Lamb, a Professor of Economics, is "naked plagiarism". Rabbit has a reputation for making disparaging comments about colleagues' work, and the University has threatened him with disciplinary action on at least two previous occasions.

The University employs Mouse, a moderator, with responsibility for the random reviewing of notices on the Bulletin Board, but on October 1 she has taken ill and is unavailable. On October 6, after receiving a complaint from Lamb, the University removes the offending statement from the Bulletin Board and on the same day posts an apology on its website, disassociating itself from Rabbit's views.

- (i) Advise Lamb as to whether he may have a good cause of action in defamation and, if so, against whom.
- (ii) How, if at all, would your advice differ, if the offending statement had not been posted on the Bulletin Board but had been contained in an e-mail message to Wolf Inc., the publisher of Lamb's book, sent from a computer in Rabbit's office at the University?

END OF PAPER