



TORTS
CASES, PROBLEMS, AND
EXERCISES

THIRD EDITION



Russell L. Weaver
John H. Bauman
John T. Cross
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Edward C. Martin
Paul J. Zwier, II



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THIRD EDITION

RUSSELL L. WEAVER

*Professor of Law & Distinguished University Scholar
University of Louisville
Louis D. Brandeis School of Law*

JOHN H. BAUMAN

*Professor of Law
South Texas College of Law*

JOHN T. CROSS

*Professor of Law and Wyatt, Tarrant & Combs Fellow
University of Louisville
Louis D. Brandeis School of Law*

ANDREW R. KLEIN

*Associate Dean for Academic Affairs and
Paul E. Beam Professor of Law
Indiana University School of Law—Indianapolis*

EDWARD C. MARTIN

*Professor of Law
Samford University
Cumberland School of Law*

PAUL J. ZWIER, II

*Professor of Law
Emory School of Law*

978-1-4224-7220-0

Library of Congress Cataloging-in-Publication Data

Torts : cases, problems, and exercises / Russell L. Weaver ... [et al.].

p. cm.

Includes index.

ISBN 978-1-4224-7220-0 (casebound)

1. Torts--United States--Cases. 2. Torts--United State--Problems, exercises, etc. I. Weaver, Russell L., 1952-

KF1250.T574 2009

346.7303--dc22

2009008837

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Editorial Offices
744 Broad Street, Newark, NJ 07102 (973) 820-2000
201 Mission St., San Francisco, CA 94105-1831 (415) 908-3200
www.lexisnexis.com

MATTHEW  BENDER

DEDICATIONS

To Ben and Kate, with love. **RLW**

To Kathee, and to Mary, Hannah and Clare. **JHB**

To my Parents, who convinced me anything is possible. **JTC**

To Diane, Timothy & Jason. **ARK**

This book is dedicated to all of my former Torts students through the years who have made teaching this subject such a joy!

Thank you. **ECM**

To my Torts Students. And to Marlene with Love. **PJZ**

PREFACE

As we move to a third edition of this torts casebook, our goal remains the same: to create a “teacher’s book.” As with the previous editions, the third edition contains thought-provoking problems designed to stimulate thought and produce interesting classroom discussion. The problems are woven throughout each chapter and are designed to help students learn doctrine, illuminate trends in the law, and ultimately produce better learning.

A secondary goal was to include a “skills” component. Some of the problems place students in practical situations that they are likely to encounter in practice, and therefore encourage students to think about how they might handle these situations.

In any book, tradeoffs are necessary. In this book, we have chosen not to include encyclopedic notes and references like those found in other books. In the torts area, students have numerous high-quality secondary sources available to them, and students can consult these sources for expanded scholarly discussions of the law. Consistent with our goal of producing a “teacher’s book,” we opted to limit the scope of our notes and to substitute problems.

We are thankful to our research assistants and secretaries for their help in producing this book. In addition, we want to thank the many students who were subjected to early drafts of this book and ultimately helped us produce a better product.

We welcome input from faculty and students who use this book. You can contact us at the following e-mail addresses: Professor Russell Weaver (russ.weaver@louisville.edu); Professor John Bauman (jbauman@stcl.edu); John Cross (john.cross@louisville.edu); Professor Andrew Klein (anrklein@iupui.edu); Professor Ed Martin (ecmartin@samford.edu); Professor Paul Zwier (zwier@law.emory.edu).

RLW, JHB, JTC, ARK, ECM, PJZ
March, 2009

ACKNOWLEDGMENTS

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EDITING NOTE

Many torts cases are far longer than can be included in a book of reasonable length. In addition, many cases include multiple issues, some of which are irrelevant to the torts issues in this case. In creating this book, we have consistently tried to be faithful to the deciding court's language and the spirit of the opinion. However, although we have indicated some changes (usually by brackets or an ellipses), we generally do not note omissions from the edited opinions in this book

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