

UNIVERSITY OF MISSOURI  
SCHOOL OF LAW  
TORTS § I – MITCHELL

Mid-Term Examination  
Tuesday, September 30, 2014

Instructions

1. Read the questions carefully. Think before you answer and write. Assume that the events took place in an unidentified American state, that neither follows the majority nor the minority. If you believe that you need to know more information about the question in order to resolve an issue raised by the facts given, tell me what you need to know and how it would affect your analysis.
2. Do not add facts to create issues not already raised by the facts given. Do not make implicit assumptions. Be sure to address all issues raised by the facts in accord with answering the question, even if you think a single issue is dispositive or weak. Each answer should be self-contained. You should not “incorporate by reference” anything from one answer to another.

Special Instructions

The mid-term is a closed-book exam. You may use an outline that you prepared in whole or in part. The use of the casebook, commercial outlines, hornbooks, and any other material is prohibited. You may not consult anyone during the exam. You must turn in the exam at the end of the allotted time whether you have finished it or not.

Hand Written Exams

You may use either a pen or a pencil. Please write legibly and on only one side of a bluebook page. Please number your pages and, if you use more than one blue book, please number your bluebooks.

### ISSUE SPOTTER (85%)

Brian called out, "I'm done taking out the trash. Let's go!" Brian had just returned from dumping the garbage, usually his co-worker Adam's job, in the huge dumpsters behind the local restaurant where he worked. Brian, Adam and Diane, an Assistant Manager, were closing up for the evening. While in the office putting the day's receipts in the safe, Diane noticed that her watch and class ring, which she thought she had left in the office were missing. Diane was furious that one of her long-time employees would steal from her. She called Adam and Brian into her office and questioned them for approximately fifteen minutes. Before questioning Adam, Diane who was standing at the door when they entered, patted Adam down, stuck her hands in his jeans pocket, and grabbed his crotch. Surprised, Adam flinched. Unsatisfied with their responses to her interrogation and unable to find her jewelry, Diane became enraged. She told them that they would have to strip so she could properly search them and that they would not be able to leave until they complied. Adam, who really needed the job, sighed loudly and began removing his clothes. Brian, a pre-law student, refused. Diane told him that if he didn't do what she said, she would fire him for stealing and that he would not be able to get into law school because she would make sure the school knew he was a thief. Reluctantly, Brian relented. Neither Adam's nor Brian's genitals were exposed, but they were embarrassed. Adam, a practicing Muslim, was more embarrassed than Brian because his faith prohibited him from being seeing like this in front of a woman not his wife. Diane began to yell and scream at Adam and Brian, telling them to wait there until she returned. She exited the front of the restaurant, locking the door behind her, and headed to her car to retrieve her cellphone. Opening the door, Diane saw her watch and ring in the center console. Sheepishly, Diane returned to the restaurant, and told Adam and Brian that they could leave. Visibly shaken, Adam and Brian left. Soon, Adam began to suffer from anxiety every time he had to go to work, breaking out in cold sweats. Around Diane, he averted his eyes and had developed a stutter. He was unable to sleep, and had terrible nightmares. Unlike Brian, who saw a therapist, and was proscribed valium to calm his nerves, Adam simply self-medicated, violating his religious beliefs.

**Question: What causes of action can Adam bring against Diane? What defenses will Diane assert to escape liability?**

**Jurisdictional Note: It is a single intent jurisdiction**