**Multiple Choice**

*Choose the single choice that best completes the statement or answers the question.*

1. Terry pushed Laurie. Laurie fell over and hit her head. Under what circumstances can Terry be liable for Laurie’s injury?

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| a. | If Terry intended to push Laurie. |
| b. | Terry must have intended that Laurie fall. |
| c. | Terry can only be liable if Terry had a bad motive for pushing Laurie. |
| d. | Terry cannot be held liable. |

2. Tom distributed a flyer to all the residents of the condo community in which Tom and Debra live. In the flyer, Tom accused Debra, who also works as a broker in the community’s real estate office, of being a thief. Under what circumstances would the statement be defamatory?

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| a. | If a neighbor other than Debra repeats it to another person. |
| b. | Only if Debra suffers emotionally because of the distribution of the flyer. |
| c. | Only if the statement is true. |
| d. | If the statement is false. |

3. The Spa, Inc., uses, in its radio advertisements, a 2011 recording by Molly without asking Molly or paying Molly for the use of the recording. Molly owns the rights to the recording. Over a short period of time, the song comes to be associated with The Spa, Inc. Molly sues The Spa, Inc. The Spa, Inc. is most likely liable for

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| a. | appropriation. |
| b. | conversion. |
| c. | defamation. |
| d. | tortious interference with prospective contractual relationship. |

4. Softest Ice Cream Dairy, Inc. and Happy Foods, Inc. are both manufacturers of dairy desserts. On January 1, 2013, Jess, a Softest Ice Cream Dairy, Inc. salesperson, followed James, a salesperson for Happy Foods, Inc. as James visited stores to make sales. The next day, Jess went to each of the stores that James visited the day before and sought orders from each of them. Jess received orders from each of the stores. If Jess is found liable for her actions, liability would most like be based on the tort of

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| a. | conversion. |
| b. | trespass to personal property. |
| c. | wrongful interference with a business relationship. |
| d. | trade libel. |

5. Larry, a salesperson at Local Computer Store (PC), takes a computer from the store home with him without the store’s permission. Larry is liable for conversion

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| a. | only if he damages the computer. |
| b. | only if he does not have a good reason for taking the computer. |
| c. | only if he fails to prevent a theft of the computer from his possession. |
| d. | under any circumstances. |

6. Cindy buys a book from Peter without knowledge that Peter had stolen the book from Jeffrey. Cindy has

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| a. | not committed a tort. |
| b. | committed the tort of disparagement of property. |
| c. | committed the tort of conversion. |
| d. | wrongfully interfered with a business relationship. |

7. Used Motors falsely accuses Value Cars, one of Used Motor’s competitors, of selling stolen cars. This accusation is made in a radio announcement. After the announcement, Value Car's sales decrease. Used Motors has most likely committed which one of the following?

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| a. | libel. |
| b. | conversion. |
| c. | slander of quality. |
| d. | slander of title. |

8. The owner (Owner) of SlightDiscount Store (Store) suspects a shopper (Shopper) of shoplifting. Therefore, Owner detains Shopper. Ultimately, Shopper sues Owner alleging false imprisonment. Which of the following would be a basis upon which the court could find that Owner is liable to Shopper?

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| a. | Owner did not prove that Shopper actually was guilty of shoplifting. |
| b. | Owner did not prove that Shopper had shoplifted in the past. |
| c. | Shopper had probable cause to leave the premises. |
| d. | Shopper was detained for an unreasonably long time. |

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9. Tom, a geologist, supervises the construction of a new golf course. After a large sink hole suddenly and forcefully developed on the golf course, Tom was sued by the golf course owners and by those injured on the golf course. In determining whether or not Tom was negligent, Tom will be held to the same standard of care as

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| a. | ordinary persons. |
| b. | other geoligists. |
| c. | the golf course owners. |
| d. | those injured in the collapse of the bridge. |

10. Bert, while driving his pickup truck in a careless manner, crashed into a tree. The tree fell over, in turn knocking over a streetlight. The streetlight then fell and it in turn smashed through the windshield of the car parked in the Lacy’s driveway. Glass from the windshield of the Lacy’s car then went flying. The glass flew over a ten foot fence into the backyard of the Lacy’s neighbor. The neighbors were having a picnic, and several of them were seriously injured by the flying glass. But for Bert's driving the car into the tree, the neighbor would not have been injured. With respect to the neighbor’s injury, Bert’s crashing into the tree is

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| a. | both the proximate cause and the superseding cause. |
| b. | the cause in fact but not necessarily the proximate cause. |
| c. | the proximate cause but not necessarily the cause in fact. |
| d. | the intervening cause but not the cause in fact. |

11. The rule that harm must be foreseeable to constitute the proximate cause of an injury under a negligence theory was established in

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| a. | *Finest Fireworks Factory v. State.* |
| b. | *Palsgraf v. Long Island Railroad Co.* |
| c. | *Rylands v. Fletcher.* |
| d. | The United States Congress. |

12. Suzie was a passenger in the car that Sam was driving. An accident occurred in a state that follows the contributory negligence rules. Suzie and Sam were emotionally rattled by the accident, but neither of them sustained physical injury. Sam is

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| a. | liable to Susie on a negligence theory only if Suzie’s conduct contributed to the accident. |
| b. | liable to Susie a on a negligence theory since both parties were emotionally rattled. |
| c. | not liable because Sam did not intend to cause the accident. |
| d. | not liable because Suzie was not injured. |

13. Assume that you are often a spectator at the City Baseball Tournament, an athletic competition. With respect to the risk of injury, you assume the risks

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| a. | in any way attributable to or occurring at the tournament. |
| b. | only to the extent the risks are different from the risks normally associated with the tournament. |
| c. | only if you sign a waiver of any liability claim that you may have. |
| d. | normally associated with the tournament. |

14. Beth is injured in a car crash. Bob, the driver of the other car sues Beth, alleging that he was injured in the crash and that the crash was caused by Beth’s negligence. Beth claims that Bob was driving carelessly. In a contributory negligence state,

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| a. | If the court finds that Bob was only slightly at fault, Bob not recover from Beth. |
| b. | Bob may recover from Beth even if the court finds that Bob was slightly at fault. |
| c. | Bob may recover from Beth provided that the court finds that Beth was more at fault than Bob even if the court finds that Bob was also at fault. |
| d. | neither party may recover from the other under any circumstance. |

15. Ground Excavators, Inc. is a competitor of Field Digging, Inc. Field Digging, Inc. brought a lawsuit against Ground Excavators Inc.. The facts of that lawsuit demonstrated that the suit was brought by Field Digging, Inc. out of malice and without probable cause. Ground Excavators, Inc. suffered a loss of profits due to the litigation brought against it. Field Digging, Inc. lost the lawsuit. Ground Excavators, Inc. has now instituted a lawsuit against Field Digging, Inc. The tort that Field Digging, Inc. is most likely liable for is

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| a. | abuse of process. |
| b. | malicious prosecution. |
| c. | no tort. |
| d. | wrongful interference with a business relationship. |

16. *City Times*, a newspaper, knowingly publishes an article falsely stating that the owner of Walco, a discount store, is a convicted felon. Which of the following is *City Times* most likely liable for?

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| a. | slander. |
| b. | malicious mischief. |
| c. | slander of quality. |
| d. | libel. |

17. Peter often shops in a Ranch & Farm Store. The last time he shopped there, he was enticed by a display of ropes. Peter walked up to the display and took an item from the display to examine it. When Peter was done examining the item, Peter placed the item on the floor. Bill was also shopping in Ranch and Farm Store. Bill too was enticed by the rope display. Bill walks toward the display, does not see the item on the floor, trips over the item, falls, and suffers an injury. With respect to the danger, Ranch and Farm Store had

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| a. | a duty to advise its patrons that they assume all such risks. |
| b. | a duty to discover and remove the hazard. |
| c. | a duty to carry insurance to cover such risks. |
| d. | no duty. |

18. Jack pushes Eve into the path of an oncoming car driven by Jill. A bystander, Xavier, tries to rescue Eve but the car hits both Xavier and Eve. Jack can be held liable for the injuries of

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| a. | Eve and Xavier. |
| b. | Eve only. |
| c. | Xavier only. |
| d. | neither Eve nor Xavier. |

19. Homer is injured when he is struck by debris floating in water that is on his property because his property was flooded by a breach of Mining Company's reservoir. The rule that a person who engages in certain activities may be liable under the doctrine of strict liability for any harm that results was established in

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| a. | *Lyn v. Mining Co.* |
| b. | *Palsgraf v. Long Island Railroad Co.* |
| c. | *Rylands v. Fletcher.* |
| d. | Congress. |

20. Resources Recovery, Inc. uses dynamite in its remote mining operations. Seth stores household cleaners in his suburban garage. Most likely liable under the doctrine of strict liability for any injury caused by an abnormally dangerous activity is

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| a. | neither Resources Recovery nor Seth. |
| b. | Resources Recovery and Seth. |
| c. | Resources Recovery only. |
| d. | Seth only. |

21. Which of the following statements is or are false?

1. A dilution cause of action does not require proof that consumers are likely to be confused by a connection between a trademark and its unauthorized use.
2. Trade dress does not have the same legal protection under federal law as trademarks.
3. I only.
4. II only.
5. Both I and II.
6. Neither I nor II.

22. Which of the following statements is or are false?

1. The way in which a particular concept is expressed is not a factor in determining whether copyright protection should be granted.
2. It is not possible to copyright an idea itself.
3. I only.
4. II only.
5. Both I and II.
6. Neither I nor II.

23. Sam wants to file a suit against Jane. For a court to hear the case

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| a. | Jane must agree to the suit in the court chosen by Sam. |
| b. | the court must have jurisdiction over the subject matter. |
| c. | the parties must have no minimum contact with each other. |
| d. | Sam must show that Jane owns property from which any judgment against her may be satisfied. |

24. Tom, a citizen of New Mexico, wants to file a suit against Harry, a citizen of Texas. Their diversity of citizenship may be a basis for

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| a. | no court to exercise jurisdiction. |
| b. | a federal court to exercise original jurisdiction. |
| c. | a state court to exercise appellate jurisdiction. |
| d. | the United States Supreme Court to refuse jurisdiction. |

25. Notgood Corporation, which is incorporated and has its principal office in South Carolina, makes and sells products that are poorly made. Jane, a resident of North Carolina, buys a Notgood Corporation product and suffers a serious injury while using the product. Jane’s damages claim exceeds $1,000,000. The diversity of citizenship between these parties means that

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| a. | federal and state courts have concurrent jurisdiction. |
| b. | federal courts have exclusive jurisdiction. |
| c. | no court has jurisdiction. |
| d. | state courts have exclusive jurisdiction. |

26. Radio Company, a firm in Illinois, advertises on the Web. A court in Wisconsin would be most likely to exercise jurisdiction over Radio Corporation if Radio Corporation

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| a. | conducted substantial business with Wisconsin residents through its Web site. |
| b. | interacted with any Wisconsin resident through its Web site. |
| c. | only advertised without interactivity at its Web site. |
| d. | suddenly removed its ad from the Internet. |

27. John filed a lawsuit against Janet in the United States District Court for the Southern District of New York. The Court ruled in favor of John. Janet filed an appeal in the U.S. Court of Appeals for the Second Circuit. The Second Circuit ruled against Janet, and Janet filed a petition with the United States Supreme Court asking the Court to hear the case. The Court is

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| a. | not required to hear the case. |
| b. | required to hear the case because Cathy lost in a federal court. |
| c. | required to hear the case because Cathy lost in a lower court. |
| d. | required to hear the case because it is an appeal. |

28. Garden Supplies Sales Corporation and Lacy agree to resolve their dispute through arbitration. The arbitrator's decision is called

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| a. | a conclusion of law. |
| b. | a finding of fact. |
| c. | an award. |
| d. | a verdict. |

29. Tom wants to sue against Jane for negligence. The complaint to be filed against Jane should include

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| a. | an explanation to refute any defense the defendant might assert. |
| b. | a motion for summary judgment. |
| c. | a motion to dismiss. |
| d. | a statement alleging the facts establishing Tom's basis for relief. |

30. Plaintiff files a suit against Defendant. Defendant’s answer to Plaintiff’s complaint say that even if all of Plaintiff’s statement of the facts is true, according to the law, Defendant is not liable. This is

a. a counterclaim.

b. a motion for summary judgment.

c. a motion to dismiss.

d. none of the above.

31. The state of Florida regulates certain private activities in order to protect or promote the public health and safety under its

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| a. | police powers. |
| b. | taxing powers. |
| c. | spending powers. |
| d. | supremacy powers. |

32. Ted and Sandy engage in a business transaction and a dispute arises based on that transaction. Ted files a lawsuit against Sandy by filing a complaint. The sheriff serves Sandy with a summons and a copy of the complaint. If Sandy chooses to ignore the summons and complaint

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| a. | Ted must file an amended complaint. |
| b. | Ted can have a default judgment entered in his favor. |
| c. | Sandy must be served with a second summons. |
| d. | Sandy will have a default judgment entered in her favor. |

33. Ted and Sandy engage in a business transaction and a dispute arises based on that transaction. Ted files a lawsuit against Sandy by filing a complaint. If Sandy responds to Ted's complaint by filing an answer and a counterclaim., then

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| a. | Ted should file a response to the counterclaim. |
| b. | Ted will have a judgment entered in his favor. |
| c. | Sandy will also have to file an amended answer. |
| d. | Sandy will have a judgment entered in her favor. |