Civil Law: Response Writing:

Read the following two cases and determine which, in your opinion, is the clearest and most interesting:

Zickefoose (Next Friend of) v. Barotto Sports Ltd (1992)

Blake Zickefoose, 14 years old, made pipe bombs as a hobby. On one occasion friends of his left a pipe bomb with him that wasn't working. Zickefoose tried to hide the bomb, and it exploded, injuring him. He sued his friends and the store where the bomb materials were purchased.

*If you were the judge, what would your decision be, and why?*

Stewart v. Pettie (1995)

Gillian Stewart and her husband went out for the evening with her brother Stuart Pettie and his wife. They attended a dinner theatre performance at the Mayfield Inn in Edmonton as a part of Stewart's staff Christmas party. A hostess seated them together and the server kept a tab of how many drinks were ordered. Only the men had alcoholic drinks, and Pettie had from five to seven double mixed rum drinks over five hours. He did not appear to be intoxicated when they left, and the server did not suggest that he not drive. The two couples discussed who should drive, and no one had a problem with Pettie driving. Stewart sat in the back seat and did not fasten her seatbelt.

The roads were slippery, and although Pettie was driving slowly and cautiously, the car went out of control and hit a wall. Stewart was thrown from the car and suffered a broken spine, which left her a quadriplegic.

The Stewarts sued Pettie, the City of Edmonton, and Mayfield Investments, the company that owned the inn.

*If you were the judge, what would your decision be, and why?*

Answers should be one paragraph in length. They will be marked based on the following criteria:

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|  | Level I | Level II | Level III | Level IV |
| Does the paragraph demonstrate strong understanding of the facts? | The paragraph does not demonstrate strong understanding of the facts | The paragraph demonstrates limited understanding of the facts | The paragraph demonstrates good understanding of the facts | The paragraph demonstrates excellent understanding of the facts |
| Does the paragraph demonstrate logical, coherent legal thought? | The paragraph does not demonstrate logical, coherent legal thought | The paragraph demonstrates some logical, coherent legal thought | The paragraph demonstrates logical, coherent legal thought | The paragraph demonstrates excellent logical, coherent legal thought |
| Does the paragraph demonstrate attention to detail in its writing? | The paragraph does not demonstrate attention to detail in its writing | The paragraph demonstrates limited attention to detail in its writing | The paragraph demonstrates good attention to detail in its writing | The paragraph demonstrates excellent attention to detail in its writing |