

TORTS I Final Practice Hypo

Let's Dance! ("LD") is the hottest reality show on television. Millions of viewers tune in each week to watch "celebrities" participate in ballroom dancing with professional dance partners. Each week, the American public votes for its favorite couple, and the celebrity dancer with the lowest number of votes leaves the show. Although some of the celebrities progress to become competent dancers, others are simply terrible. In fact, the public apparently enjoys this aspect of the show because ratings tend to rise when a celebrity embarrasses himself on the dance floor.

LD is filmed in BigCity, USA, which prides itself on being a caring and safe community. There are a number of ordinances in BigCity designed to foster this atmosphere, including one which requires owners of public establishments to (1) keep the floors clean in food service areas, (2) keep excessive noise under control; and (3) place "Caution: Slippery" signs out when floors are wet or otherwise create a hazard for the public.

Ten weeks into the current season, there are three contestants left vying to be the last dancer standing – Mary, a 50-year-old variety-show singer, Hank, a race car driver, and Spice, a pop singer. Each was eager to participate in the show because it provides exposure to a national audience. Each celebrity couple has practiced together intensely for at least forty hours each week of the competition.

Finally, the day of the final taping arrived. As they did for each of the last ten weeks, LD's staff scurried around the set to get things prepared. Katy the costume designer fitted each celebrity with scanty, tight fitting outfits made of spandex & sequins. Cal the custodian waxed the dance floor with a high gloss that, although slippery, would create a beautiful shine for the cameras. Refreshments were prepared and waiting for the studio audience.

One hour before show time, a crowd had gathered on the sidewalk around the studio waiting patiently to get tickets to the studio audience. A passing sixteen-year-old on a motorized scooter, Amy, was staring at the crowd to see what was happening when she lost her balance and spun out of control. She crashed into a parking meter, which fell and hit Betty's parked car. Amy was not hurt but Betty, who was sitting in the car, was injured when the meter crashed through the roof. Someone called an ambulance, but as a result of the traffic tie-up in the neighborhood from the large number of people traveling to the studio to try and get tickets, the ambulance was unable to reach Betty before she died.

The show, however, must go on. When filming was about to begin, Penny the production assistant ushered the lucky waiting fans chosen to be in the studio audience, including Freddy, through the back door, across the stage and into the theater. Once everyone was seated, Penny locked the back door and told the audience, "Thanks for coming. At this point, nobody goes in or out. You must stay in your seats until the show has reached its conclusion." Freddy, who panics when confined to an enclosed area, ran for the door and began throwing himself at it, screaming "Let me out! Let me out!" Penny stood there stunned for a few seconds before running to unlock the door. Freddy ran out, his left side bruised and battered. And then, the

cameras began to roll.

All went well until the final dance of the evening, involving Spice and her partner. The two had planned to do an intricate waltz with a spectacular running leap. Things, however, did not go according to plan. In her approach to the jump, Spice slipped on the floor, causing her to fall and break her ankle. Ted, a physician from a small, rural town who happened to be in the studio audience, ran up to the stage to help her. Although physicians in BigCity would immediately have stabilized the ankle, Ted manipulated it back and forth to determine the extent of the damage. When Spice later received treatment for the ankle, she was informed that Ted's manipulation worsened her injury and that it would require an additional 4 months to heal.

You are an attorney in BigCity who specializes in this type of high profile litigation. You anticipate that you will be contacted by someone involved in these events and want to prepare in advance. You decide to write a memo assessing the following: (1) All potential tort claims; (2) all potential defenses; and (3) the likelihood of success of each claims.