

Exam Number: _____

**VILLANOVA UNIVERSITY
CHARLES WIDGER SCHOOL OF LAW**

**Professor Ormerod
Fall 2025**

**Torts
Final Exam**

**DO NOT TURN THE PAGE UNTIL THE PROCTOR GIVES
THE SIGNAL**

Exam Number: _____

**VILLANOVA UNIVERSITY CHARLES WIDGER SCHOOL OF LAW
FINAL EXAMINATION IN TORTS**

THREE HOURS

Professor Ormerod

Fall 2025

INSTRUCTIONS

1. **Materials Permitted:** This is a CLOSED book exam. The laptop mode is also CLOSED.
2. This exam consists of nineteen (19) pages, including these cover pages. Please check now to be sure your exam is complete and contains all pages.
3. Time allotted for the entire examination is three hours. There are ten multiple-choice questions and one essay question. There are 160 total points: the multiple-choice portion has 20 points, and the essay has 140 points.
4. If handwriting your exam, please double space and only write on one side of each page.
5. Your submission is limited to 3000 words. This is a strict limit; additional words will not be read.
6. You should not have to assume facts, but if you feel that a question is incomplete or unclear as to any material fact, state the material fact and how it would affect your answer.
7. Please see the first three pages of the document that follows for additional instructions and suggestions.
8. Use **only** your exam number. You may not use your name or anything else that might identify you on these materials. You may not identify yourself in any way to the professor as the author of an exam until the grades are published.
9. This is an unpublished examination.
10. Turn in the examination, all scrap paper, all bluebooks (used or not) to the Honor Board Representative.

EXAM NUMBER:

Torts

§ 1 · FALL 2025

PETER ORMEROD

Villanova University Charles Widger School of Law

FINAL EXAMINATION

1. OVERVIEW

This exam is worth one hundred percent (100%) of your final course grade. This document includes the instructions and exam questions, and it has nineteen (19) pages.

You have three hours to complete the exam. It consists of ten multiple-choice questions and one essay question. There are 160 total points: the multiple-choice portion has 20 points, and the essay has 140 points.

Use the exam-proctoring software to record the best answer to each multiple-choice question. You will *only* receive credit for responses recorded in the software; no credit will be awarded for anything written on the exam itself or on scratch paper. Your submission is limited to three thousand (3000) words. This is a strict limit; additional words will not be read.

Each question is accompanied by a point value, a recommended time allocation, and a recommended word limit. *These are only recommendations*; allocate your time and words in whichever way seems best to you.

2. MATERIALS

This exam is closed book. During the exam, you are **strictly prohibited** from consulting any physical materials, electronic materials, and other people. The proctoring software will lock down your computer and will thereby limit your ability to access other programs, applications, and functions dur-

ing the exam. Your work must be exclusively your own. I call your attention once again to the Law School's applicable ethical standards.

3. ANONYMITY

To preserve anonymity, do not include your name or other identifying information on the exam; the proctoring software will automatically include your unique exam identifier on the response cover sheet. The Law School's exam policies prohibit students from communicating with faculty about problems related to the exam. Should any problems arise during the exam—computer error, sudden illness, &c.—please notify the proctor.

You may not discuss the exam with me or with any other person, including by email, until I have finished grading the exam and grades have been reported to you.

4. GRADING

Answers will be graded on your understanding and analysis, as well as on clarity of exposition. Scores will be standardized, and grades will be assigned according to the Law School's policies on first-year grades.

5. SUGGESTIONS

You should follow the advice supplied in John H. Langbein's *Writing Law Examinations* and Orin S. Kerr's illustrations of effective exam responses, both of which are linked on Blackboard. Some specific recommendations:

1. *Read the questions carefully.* I suggest that you take ten minutes at the beginning to read the essay question and reserve ten minutes at the end for proofreading. (The time allocations below total 160 minutes on the assumption that you'll do this.) Separately, I encourage you to spend up to one-third of your time on the essay question—over 45 minutes—organizing and planning your response before beginning to write.
2. *Organize your responses clearly.* You don't need to follow any particular format with rigor (IRAC, CREAC, &c.), but you should always identify an applicable legal standard before applying it, and stating

your conclusions clearly is helpful to me when grading. Mentioning cases and rules can be useful, but precise citations are unnecessary and likely counterproductive.

3. *If you need more information, say so.* It's entirely possible that some questions or issues are inconclusive or require assumptions to definitively resolve. Likewise, not every issue suggested by the fact pattern is actually relevant to the question asked; discussing irrelevancies will only cost you time and words. Don't try to invent new and helpful facts or law not mentioned in the exam.
4. *Avoid negative issue-spotting.* It's a waste of time and words to discuss claims or defenses that are irrelevant or frivolous. Negative issue-spotting, however, is distinct from discussing relevant claims or defenses that ultimately prove unsuccessful. In other words, if one or more element is satisfied, some points may be available for discussing it, as well as the reasons it will fail.
5. *Your analysis should be exhaustive.* When listing reasons why a particular result would be legally correct, don't give just one; give as many as are correct, even if just one of them would be enough to win or lose on that issue. Don't assume that I'll know you know the basics; *show* me that you do.

Good luck!

**STOP! DO NOT TURN THE PAGE
UNTIL INSTRUCTED TO DO SO!**

ESSAY QUESTION (140 POINTS · 140 MIN. · 3000 WORDS)

Camelback Mountain Resort is a ski resort, and it is owned and operated by CMR, Inc. (“CMR,” or simply the “Resort”).

The Resort resides on the north-facing slope of Mount Camelback, and the ski slopes overlook State Route 715, which is a divided four-lane rural highway that runs east–west. On the far side of the mountain—the south-facing slope—there is a housing development called Camelback Retreat. The houses in Camelback Retreat are all 4- and 5-bedroom log cabins, and they’re largely owned by wealthy families that either reside in them part time or rent them out on a short-term basis to vacationers.

Mount Camelback’s region is not particularly cold, which makes the Resort extremely reliant on artificial-snow machines. CMR owns and maintains two types of artificial-snow machines—the Hyperborean Entropy Reverser Cannon 9000 and the Frosty the Snow Machine. The Hyperborean Entropy Reverser Cannon 9000 is an extremely large machine and thus fixed in place, though the snow-producing head can be pivoted on its axis to aim snow in different directions. The Frosty the Snow Machine is a smaller, portable device that is mounted on wheels, which allows it to be moved with relative ease to different places on the mountain.



A Frosty the Snow Machine in action. © Alibaba Group; used per 17 U.S.C. § 107.

Huey, Dewey, and Louie are three 13-year-old boys whose families each own a log cabin in Camelback Retreat. The previous winter (2024–25), Huey,

Dewey, and Louie were playing near the summit of Mount Camelback when they discovered that the chain-link fence demarcating the edge of the Resort property had rusted and deteriorated in some areas, providing an easy path onto the Resort's ski slopes. Following their discovery, Huey, Dewey, and Louie occasionally entered the Resort's premises and used the Resort's ski slopes to sled. The Resort's property is populated by security cameras, including the entire perimeter, and the cameras captured the boys entering the premises through the deteriorated fence several times last season. But CMR's security team has been perpetually understaffed, and as a result, no one reviewed that footage or actually observed the boys on the premises.

Leading up to the Thanksgiving 2025 holiday, the region was sufficiently cold that the Resort opened for several days due to its artificial-snow-generation capabilities. (The Resort was closed on Thanksgiving.) But the temperature began to rise on Saturday, Nov. 29, which began melting all the artificial snow. Due to the warm temperatures, the Resort was shuttered on Sunday, Nov. 30.

Sam is the Resort's Chief Snow Officer (CSO), and he is a Resort employee who oversees all operations related to artificial-snow generation and maintenance. Sam had a tough Thanksgiving: he failed to fully thaw his turkey before attempting to deep fry it, which caused an enormous fire and nearly burned down his house. Sam and his wife got into a huge argument about it, and his wife left with the kids on Thanksgiving. Sam didn't hear from her all day Friday and Saturday, and he coped with his stress and sorrow by drinking on the job. Sam personally helped move half a dozen Frosty the Snow Machines into a storage shed near the base of the mountain in the late afternoon on Saturday, Nov. 29. But because he was intoxicated, he did not padlock the shed closed, erroneously believing that another employee had additional Frosty the Snow Machines that needed to be stored in the shed and that the other employee would lock up.

On Sunday evening, as the temperatures again began falling, Huey, Dewey, and Louie hatched a plan to try to do some night sledding. They set out for the summit and discovered that the chain-link fence was in the same—if not worse—condition as the previous season. They entered the Resort's premises and eventually found the storage shed that Sam had failed to padlock shut. The three boys proceeded to wheel out, set up, and turn on

the six Frosty the Snow Machines, and had themselves a grand time sledding and tubing on the Resort's vacant slopes for several hours on Sunday night. The boys regularly pushed one another's sleds down the mountain to increase their speed. Around 9 PM, Dewey aimed Louie's tube toward a thicket of trees and gave the tube a hard shove. Louie was unable to turn his tube and was severely injured after he crashed into the trunk of a pine tree. Concerned about their friend, Huey and Dewey helped transport Louie back to his cabin. In their haste to leave, though, they left the Frosty the Snow Machines on full blast.

Due to the dropping temperatures, the positioning of the Frostys, the fact they were all on full blast, and the strength and direction of wind, the snow machines created whiteout blizzard conditions on State Route 715 throughout the pre-dawn hours of Monday, Dec. 1.

Todd was a motorist on Route 715 that night, and he was going 80 MPH in a 65-MPH zone when he unexpectedly encountered the bizarre, isolated, blizzard-like conditions. The untreated and unplowed roads, the low visibility, and Todd's excessive speed caused him to lose control of his car, crashing into a guardrail on the side of the road. In the crash, Todd suffered a broken nose, a concussion, and whiplash.

The Frostys were also not intended to be run for hours on end at full blast, so they all ended up burning out around 6 AM. Around 7 AM on Monday, Dec. 1, Resort employees returned to the premises in the hopes of taking advantage of the lower temperatures. They discovered to their horror that the Frostys had blanketed a portion of Route 715 and some of the lower slopes in over a foot of snow before burning out. A massive cleanup effort then ensued throughout the day on Monday, Dec. 1. Resort employees worked to clean snow from the road and treated the road with salt. Because it had to focus on cleanup efforts, the Resort was unable to open on Monday.

Around 3 AM on Tuesday, Dec. 2, Uma, another motorist on Route 715, lost control of her car and also crashed. Uma was severely injured in the crash, though she was driving below the speed limit at the time she lost control of her car. The police investigation of the crash discovered that portions of the road had not been adequately salted, which allowed some artificial snow that had melted during the day to refreeze on the road overnight. Uma's car skidded when she unexpectedly encountered the ice. At the time

of the crash, Uma was 67 years old and she has long been weak and sickly. She is not expected to fully recover from her crash-related injuries.

You're an associate at a law firm that CMR has retained in anticipation of litigation arising from the events of Sunday, Nov. 30, through Tuesday, Dec. 2, 2025. The partner handling the matter has asked you to prepare a memorandum that addresses three subjects *in this order*: (1) identify and evaluate the strength the claims that the boys may make against CMR, as well as any defenses or claims that CMR may assert against the boys; (2) identify and evaluate the strength of any claims that Todd may make against CMR, as well as any defenses, claims, or arguments that CMR may make to reduce or avoid potential liability; and (3) identify and evaluate the strength of any claims that Uma may make against CMR, as well as any defenses, claims, or arguments that CMR may make to reduce or avoid potential liability.

The partner has also furnished the following additional information:

- Each Frosty the Snow Machine was rendered totally inoperable and thus needed to be replaced. The Resort lost considerable revenue from the cleanup and shuttering on Monday, Dec. 1, as well as from being unable to adequately cover some slopes for several weeks while awaiting replacement snow machines.
- The police investigation into Uma's crash revealed that one of her car's taillights was not functional at the time of the crash, in violation of a local traffic ordinance that requires both taillights be functional whenever a car is driven at night. When asked about it, Uma said she was unaware the taillight was burned out, though Uma's neighbor said that he could not remember the last time both taillights worked.
- Dewey and his family have apparently fled the jurisdiction and no one currently knows their whereabouts.
- Huey's family is a major shareholder in NVIDIA (ticker: NVDA), the graphics-processing-unit company that, as of this writing, is worth approximately \$4.465 trillion—making it the most valuable company in the history of humankind.

Provide your conclusions and analysis for the memorandum.

END OF EXAM