

# **TORTS**

## **Group Writing Assignment**

**PROFESSOR RUSSELL**

### **INSTRUCTIONS:**

1. This assignment is due on Monday, 26 March at 10:30 a.m. Each group should turn in its assignment in class.
2. Late assignments receive no points.
3. This assignment is worth  $1/6$  of your yearly grade, which is to say, the value of this assignment is the same as for one-half the mid-year exam. Note, though, that I expect that the array of grades for this assignment will be fairly compact. The final exam will count for one-half of the yearly grade.
4. Each group includes 7 members. After I grade the answers, the default rule is that the point total for the assignment will be divided equally among all 7 students in the group. However, the members of the group may elect to divide the point total differently as they see fit. At the time of the turning in the assignment, groups that choose to divide their point total differently

should specify how points should be allocated on a cover sheet to their answer. This cover sheet should specify the percentage allocation for each group member. This total should add to 100 percent. Allocation of less than 10 percent of the point total to any group member requires a written explanation and the written assent of at least 6 of the seven group members. Please try not to turn this assignment into *Survivor*.

5. This is an open-book, take-home group assignment. Your group's answer must be of your own composition. You may work on this examination wherever you wish, and you may consult any written material that you wish.

6. You may use up to but not more than 2,000 words to answer this assignment.

7. You should answer the question using the materials that we have studied in class. Do not assume that the law of Colorado applies to this case.

Consider the following news story. Discuss the potential tort liability, including damages, of Chad Driver, Mary Pines, and the Police Department. (Note: although this injury took place in Colorado, you should not limit your discussion to Colorado law. That is to say, do not presume to know which jurisdiction's laws will apply to this injury and do not waste time researching Colorado law.) If you have questions about the assignment, please post them to the [TortsBoard](#).

# Man dies after learning of wife's death

**By Sarah Huntley**

*Denver Rocky Mountain News Staff Writer*

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**ARAPAHOE COUNTY** — They were inseparable for more than 20 years.

Married in 1976, Jerry and Mary Pines shared the same house, worked in the same building and raised their three boys side by side.

On Saturday morning, the couple died hours apart in a tragic chain of events.

Mary Kathryn Pines, 45, was headed north on South Tower Road, en route to her second job at Denver International Airport at about 1:40 a.m., when her Ford Explorer, which she leased from Arapahoe Leasing, was hit by a red 1996 Chevrolet Beretta. The collision, at the intersection of East Telluride Street, propelled Pines' Explorer into a nearby light post.

Pines died at the scene.

The details of the accident are as yet unclear, according to a police spokesperson. Long skid marks from Pines' Explorer suggest that she had been speeding.

A little more than three hours later, Aurora police detective Pat Hardin and a member of the department's victim services unit knocked on the Pines' door in the 5400 block of South Gibraltar Street.

As they broke the news to her shocked family, Jerry Pines called for his son to get him some medication. Minutes later, the 51-year-old husband and father collapsed.

The Aurora police officers had a portable defibrillator unit in the trunk of their car, which they used in an attempt to revive Mr. Pines. However, after shocking him once, the defibrillator's batteries ran out of current. Although the unit can be operated when plugged into an

ordinary wall outlet, the police detectives had left the power cord at the police station house.

Paramedics rushed him to the Medical Center of Aurora, but doctors were unable to save him.

"We believe he suffered a heart attack," Aurora Division Chief Doug Abraham said Saturday. "The information was just more than his system could tolerate."

Abraham said the family had no idea that Mary Pines hadn't made it to work. "As far as they knew, she was working her shift," he said.

The couple's 21-year-old son, Casey Pines, and 18-year-old twins, Gentry and Shane Pines, were home at the time.

"This is not something I'd ever wish on anyone," Casey Pines said Saturday afternoon, as a group of somber friends and relatives gathered on the front lawn.

Casey Pines said he wants his parents to be remembered for the support they gave him, his brothers and their circle of friends.

"They were honestly the greatest parents I've ever met. A lot of our friends have said they were like second parents to them," he said. "They let me live my life the way I wanted. They never judged me ... and they were always there."

Pines said his mother and father were very close. They worked in the same room at the bulk mail center for the U.S. Postal Service for more than two decades. Both were supervisors.

A neighbor, who preferred to remain anonymous, commented that the Pines' death was a "real tragedy. However," he noted, "they did fight all the time and were always threatening to kill each other. It's kind of ironic for both of their lives to end this way."

Jerry Pines had undergone triple bypass surgery six months ago after suffering a heart attack, his oldest son said, but his family expected him to recover.

"It's just a shame someone had to be so careless," Casey Pines said.

Police arrested 25-year-old Chad E. Driver of Aurora after the accident. He was released from jail Saturday afternoon after he posted \$1,000 bond.

He could not be reached for comment.

Driver, who suffered minor injuries in the crash, is expected to be charged with vehicular homicide in connection with the death of Mary Pines. At the time of the accident, he was driving while talking on his mobile telephone.

Investigators are looking into the possibility of additional charges stemming from Jerry Pines' fatal heart attack.

"We are exploring whether or not charges are applicable," Abraham said. "If he is determined to be the proximate cause of the husband's death, he could be charged with that as well."

The decision will be made by the Arapahoe County District Attorney's Office.

"I just hope the man pays for what he has done. I hope he atones for what he has done," Casey Pines said. "And hopefully, others will think twice before they phone and drive. It affects everyone."

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