

COURSE CODE: PPL324
COURSE TITLE: LAW OF TORTS II
TIME ALLOWED: 3 HOURS

Instruction: ANSWER QUESTION 1 (ONE) AND ANY 3 (THREE) OTHER QUESTIONS. (QUESTION 1 (ONE) ATTRACTS 25 MARKS)

1. During the swearing in of the Chief Judge of Kpomgu state, Ada, the wife of the Governor and Nne, the party leader's wife were involved in an altercation. 10 minutes after the altercation, Hot Gist blog published the following news '**AdaNne 2022: Kpomgu First Lady slaps Party Leader's wife!**'. Following the release of viral live videos showing that it was actually Nne that slapped Ada, HotGist published a rejoinder titled, '**UPDATED: Kpomgu First Lady fights Party Leader's widow at Inauguration!**' In the rejoinder, they alleged that Ada walked up to Nne and immediately engaged her in fisticuff drawing the attention of security agents and VIPs who pulled Ada away from a visibly shocked Nne and dragged her off the venue. Thereafter, HotGist posted various blogs referring to Ada as 'violent, uncouth ex-mistress of the Governor'. They also referred to Nne as 'Peace-loving mother of All', 'Unfortunate Widow', 'Distinguished Ambassador', 'Beauty and Brains'. Ada subsequently lost sponsorship of her pet projects by corporate bodies. She was also excommunicated and shunned by her Church, women's group and various other associations, and her husband lost his second-term bid for Governor. Ada has sued HotGist for slander. Advise on the following:

- a. The nature of Ada's suit and likelihood of success
 - b. HotGist's proposed defence of fair comment
 - c. HotGist's contention that their news is not circulated in Kpomgu state.
 - d. Ada's husband also wants to claim damages for the loss of his 2nd term bid.
 - e. HotGist's allegation that their words are not defamatory
- (25 marks in all)

2. Advise on the following scenarios

- a. Upon his appointment as CMD of Utopia State Teaching Hospital, Prof. NoGap engaged the services of ShortCut Ltd. - a private hospital waste disposal company he jointly owns with his psychiatrist brother to take over the disposal of infected human tissue at USTH. Following ShortCut's negligence, USTH operating theatre was infected with MRSA resulting in the death of a patient. The patient sued USTH and Prof. NoGap quickly admitted that USTH was liable and paid the patient's family N5m compensation. He then issued queries to all USTH theatre staff and intends to ask them to choose between monthly salary deduction to cover the compensation paid by USTH or termination of employment. (7.5 marks)

- b. Flashpoint Schools make parents pay for compulsory after-school lessons for their pupils assuring them of success or money back. Impressed by the quality of teaching, Chinedu asked the Chemistry teacher to also take weekend lessons for his son in preparation for the forthcoming UTME examinations. Whilst the boy passed all subjects in his SSCE, he failed the UTME Chemistry examination because the Chemistry teacher used a different syllabus to teach him. Chinedu is demanding the cost of the UTME form and fees paid to the Chemistry teacher. (7.5 marks)
3. Slander is never actionable per se. Discuss with the aid of relevant authorities. (15 marks)
- 4a. With the aid of relevant examples, state 5 differences between public and private nuisance. (12 marks)
- b. When may a private person sue for public nuisance? (3 marks)
5. Discuss the nature of claim Mr. Ojo should pursue under the following scenarios and his chances of success.
- a. When Mama Baby gives her baby a bath every morning, he cries until she takes him out of the tub. Her neighbour, Mr. Ojo who is childless finds the noise from the crying baby unbearable. (7.5 marks)
- b. Mr. Ojo likes to stroll from his house at the quiet end of his street to junction at the main road with lots of commercial enterprises. Metro Bank is building a high rise at the junction and each time he walks past that area, Mr. Ojo finds the noise from the construction equipment uncomfortable so he quickly walks back to his house at the other end of the street where it's nice and quiet. (7.5 marks)
6. Amayo went to Black Gold Petrol Station Ltd to purchase fuel. Before opening his tank, he asked the Manager if the fuel was good. The manager lied that it was from the fresh batch recently imported into Nigeria after the bad-fuel saga. The fuel was actually part of the bad fuel earlier supplied which the filling station had now mixed with kerosene. As soon as Amayo drove out of the filling station, his car engine started to overheat and was completely destroyed. Advise Amayo on the nature of his proposed claim, parties and what he needs to prove. (15 marks)