

**Essay Question**  
**(Suggested Time – 45 minutes)**

Motorcyclist is riding Betsey, his favorite motorcycle that he saved for a long time in order to purchase. Motorcyclist is loving life as he rides down the street: the sun is beaming on his face; what little hair he has left is whipping through the wind; and he is humming his favorite show tune. He has skipped wearing the helmet today even though driving without a helmet is a misdemeanor in this jurisdiction. However, Motorcyclist is not aware of that law and honestly would go helmetless even if he were aware it existed. He happily waves at a busload of school children in a “big yellow” right beside him.

At the nearest intersection, Pedestrian is moving down the street almost at a jog, apparently in a rush. After quickly looking both ways for traffic, she hustles across the street. She does not even notice Motorcyclist who sees Pedestrian just in time to swerve and avoid hitting her.

Dad is driving to pick up his kids when he sees Motorcyclist zigzag his bike almost into Dad’s lane. With the school bus to his left, the motorcycle to his right, and no other options, he makes the quick decision to direct his SUV toward the motorcycle rather than the bus so as not to hurt the kids. Dad slams on the breaks, stopping the SUV suddenly, but not in time to avoid running into Motorcyclist. Motorcyclist is thrown from Betsey, landing hard on the pavement. Betsey is completely destroyed. Pedestrian is unharmed and unfazed by the accident. She hurries down the street, never to be seen again. Motorcyclist sustains a broken leg, broken ribs, and a bruised liver. Dad is a bit shaken up, but uninjured.

Motorcyclist visits you (a tort lawyer practicing in this jurisdiction) for advice on whether he has a viable cause of action against anyone for his injuries and the loss of his beloved Betsey. This incident occurred in a jurisdiction that follows current majority law. Please advise.