

CLASS PROBLEM #1

Defendant Lindsay Lohan was driving her 1959 Edsel home from work. At the same time, Plaintiff Angelina Jolie was working in a bicycle shop owned and operated by herself and her husband, Brad Pitt. Without warning, Lindsay's car crashed through the wall of the shop and struck Angelina, causing her personal injuries, and also causing extensive damage to the shop and to the bicycles.

Lindsay testified that she became unconscious during an epileptic seizure, losing control of her car. She did not recall the accident, but her last recollection before the accident was leaving a stop light after her last stop. Her first recollection after the accident was being taken out of her car in Angelina's shop. Defendant testified that she has a medical history of epilepsy and knows of no other reason for her loss of consciousness except an epileptic seizure.

Prior to 2007 Defendant had been examined by several neurologists who concluded that her condition could be controlled by medicine, and she was placed on that medication. She used the medicine regularly during the intervening years and has not had a seizure since, until the accident. She testified that she had no warning as to this seizure.

Should the court impose liability? Why, or why not?