**Université PANTHÉON - ASSAS (PARIS II)** **U.E.C. 2**

**Droit - Economie - Sciences Sociales** 7512

Paris

**Session :**  Rattrapages 2022

**Année d'étude :**  Master 1ère année

**Discipline :**  Anglais

(Unités d’Enseignements Complémentaires 2)

**Titulaire(s) du cours :** M. Beplate,

Mme Brunon-Ernst,

M. Clairzier,

Mme Fatovitch,

Mme Lee-Ravel,

Mme Mendes France,

Mme O’Brien,

Mme Peyrard-Sellers,

Mme Raineau,

Mme Sabatier,

Mme Semichon,

M. Trouille

Mme Vincent,

M. Wofsy,

Mme Wrobel.

**Durée de l’épreuve :** 1h30

**Document(s) autorisé(s) :** Aucun document

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| **Please note that you MUST use your own words when completing this exam.**  **The unreferenced use of sentences or phrases taken from other sources is plagiarism.**  **Any instances of plagiarism, however minor, will be sanctioned.** |

Happy Kidz (HK) is an indoor children's play centre, which opened in 2010, and which offers facilities including trampolines, indoor football pitches, climbing structures and a children's disco area. It welcomes children aged between two and twelve. It makes much of its profit from birthday parties, which it hosts on Saturdays and Sundays between 10 am and 7pm, as well as certain evenings. These involve up to 30 children, who scream, shout and sing, as well as loud music.

In 2015 Mr and Mrs Grumpy bought the house next door to Happy Kidz. They find the noise made by the children's parties excruciating, and want the parties to stop.

Jimmy is the father of Abby, 5 and Ben, 8. He writes a successful blog, which is read by many parents in the town where he lives. When Jimmy was organising Abby's sixth birthday party, he was approached by Happy Kidz. They offered him "the use of all our facilities and services, as detailed on our website", and "catering for up to 30 children", in return for putting a small advertisement for Happy Kidz on his blog. The email contained a link to a page of the website where Jimmy saw a list of facilities, including "trampolines", and a picture of a large room with 30 trampolines. There was also a statement that all their catering was "nut-free". This was important, as Abby's best friend Ella is allergic to nuts. Jimmy accepted, and put the Happy Kidz advertisement on his blog.

On the day of the party, the children arrived at the venue and were immediately disappointed. Most of the trampolines had been taken away for repair, and instead of the thirty trampolines they were expecting, there were just two.

When the birthday buffet was brought out, the situation got even worse. Happy Kidz had employed a new chef, and forgotten to tell him about the "nut-free" policy. He had used hazelnuts in the birthday cake. When Ella took a bite of the cake, she had an immediate allergic reaction, and had to be rushed to hospital. She was seriously ill and had to spend a month in hospital. Eric, another child at the party, took a slice of the cake home and gave it to his brother John. John is also allergic to nuts, and also suffered a severe allergic reaction and serious injury.

As a result of the allergic reaction, the government Food Standards Agency immediately suspended Happy Kidz’ food license for three months, meaning that they could not cater for birthday parties during that period. Polly was very disappointed as she had booked her child's birthday party for the week after Abby's. She had to find a new venue, and the only available place she could find was three times more expensive than Happy Kidz.

**1. Tort**

**Discuss the following claims, including potential defences and remedies: Mr and Mrs Grumpy v Happy Kidz (20%)**

**Ella v Happy Kidz (20%)**

**John v Happy Kidz (10%)**

**2. Contract**

**Discuss the following claims, including potential defences and remedies: Jimmy v Happy Kidz (25%)**

**Polly v Happy Kidz (25%)**