

**QUESTION 9 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK III**

Tammy's Taxidermy is located in a low-crime area in suburban Michigan. On July 1, Carolyn brought her deceased pet muskrat, Gregggy, to Tammy's Taxidermy because she wanted to display Gregggy in her home. After reviewing the details of the project, Tammy indicated that the muskrat would be ready on July 15. The next day, Jimbob brought in a muskrat for taxidermy work. Because Jimbob's muskrat was smaller and the job slightly easier, Tammy told Jimbob that he could pick up the muskrat on July 13.

Tammy worked diligently and finished both muskrats early. On July 13, Jimbob returned to the store and paid for the taxidermy work. Tammy accidentally gave Jimbob the wrong muskrat, giving him Carolyn's beloved Gregggy. On July 14, an arsonist set fire to the business next door, and the fire spread to Tammy's store before either the fire department or Tammy's state-of-the-art sprinkler system could contain it. The muskrat that Jimbob brought to the store was completely consumed in the fire, with the exception of its tail, which had a distinctive white stripe on it. When Carolyn arrived at Tammy's store on July 15, Tammy presented Carolyn with the bad news and the charred remains. Carolyn immediately recognized that the muskrat was not the one she brought to the store and shrieked, "This isn't Gregggy! Where's my Gregggy?" Carolyn pulled out a picture she carried in her purse, noting Gregggy's solid brown tail.

Carolyn has sued Tammy for negligence. She has also sued Jimbob to recover Gregggy after Jimbob refused to return Gregggy to her. Jimbob followed up with a suit of his own, asserting a claim against Tammy for negligence.

**Assess (a) whether Carolyn can recover damages from Tammy; (b) whether Jimbob can recover damages from Tammy; and (c) whether Carolyn can recover Gregggy from Jimbob.**

\*\*\*\*\*THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK III\*\*\*\*\*