Syllabus Torts Fall 2015
Sections 2, 3, and 4
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Text: Best Barnes Kahn-Fogel Basic Tort Law. Cases, Statutes and Problems
Supplemental materials on TWEN site—some are from other texts from Wolters Kluwer, used with permission, only for this class.

Syllabus subject to change with advance notice
Any material not covered on a given day will carry over to the next class period.
Always read the notes that follow the cases. We will discuss some of these in class, although I usually cover these points in the discussion of the case in chief. Most days we cover about four cases per class, but you should always stay a few cases ahead.

Attendance for this class is mandatory. Failure to sign the attendance sheet will mean you are presumed absent.

If a class needs to be made up, I will try and provide as much notice as possible.
September 14 class will be rescheduled to Friday September 11 from 1-2:15 in room 118

Introduction—p.1-4, up to V. (This is the only assignment for the first class)

THE ELEMENTS OF NEGLIGENCE LAW: DUTY, BREACH, CAUSATION AND DAMAGES

NEGLIGENCE-The Duty of Reasonable Care Text p. 91-92

THE REASONABLE PERSON STANDARD Text p. 93
Brown v. Kendall TWEN

Defining and Justifying the “Reasonable Person” Standard p. 93
Vaughan v. Menlove p. 93
Parrot v. Wells Fargo & Co. p. 95

Reasonable Conduct as a Balancing of Costs and Benefits p.97
McCarty v. Pheasant Run, Inc. p. 98

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   Steward v. Motts p. 102

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   Myhaver v. Knutsen p. 107
   Roman v. Estate of Gobbo (TWEN)

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   Cervelli v. Graves p. 109

Youth: Special Treatment for Minors p. 113
   Robinson v. Lindsay p. 113

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   Poyner v. Loftus p. 122
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   Creasy v. Rusk p. 125

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   Sandler v. Commonwealth p. 131

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   Osborne v. McMasters (TWEN)
   Martin v. Herzog p. 138
   Thomas v. McDonald p. 141
   Wawanesa Mutual Insurance Co. v. Matlock p. 145
   Sikora v. Wenzel p. 148
   Perry v. S.N. & S.N. (TWEN)

By Industry Custom p. 154
   The T. J. Hooper p. 155
   Trimarco v. Klein (TWEN)
Elledge v. Richland/Lexington School District Five p. 156

By Res Ipsa Loquitur p. 161
   Byrne v. Bodele p. 162
   Shull v. B.F. Goodrich Co. p. 163
   Larson v. St. Francis Hotel (TWEN)

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   Cay v. State of Louisiana, Department of Transportation and Development p. 176
   Perkins v. Texas and New Orleans RR 147 (TWEN)
   Shumaker v. Oliver Cannon & Sons (TWEN)
   Lyons v. Midnight Sun Transportation Services, Inc. p. 180

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   Ford Motor Company v. Boomer p. 186

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   Shinn v. Allen p. 193

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   Summers v. Tice p. 197
   Burke v. Schaffner p. 201

Market Share Liability p. 204
   Hymowitz v. Eli Lilly and Company p. 205
   Black v. Abex Corp. p. 212

LIMITATIONS ON LIABILITY BY DUTY AND PROXIMATE CAUSE

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Duty: What is it and Who Decides?
Mussivand v David (TWEN)

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Dykema v. Gus Macker Enterprises, Inc. p. 233
Graff v. Beard p. 235
Kubert v. Best p. 241
J.S. and M.S. v. RTH (TWEN)

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In Re Arbitration Between Polemis and Furness, Withy & Co., Ltd. P. 244
Laureano v. Louzoun p. 245

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- Waters v. Blackshear p. 16
- Polmatier v. Russ p. 18
- Manning v. Grimsley (TWEN)
- Leichtman v. WLW Jacor Communications, Inc. p. 28
- Andrews v. Peters p. 29

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- I de S et ux v. W de S (TWEN)

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- Big Town Nursing Home, Inc. v. Newman (TWEN)
- Hardy v. LaBelle’s Distributing Co. p.45 601 P.2d 35 (TWEN)

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Smoke Diminishes after derailment toxic spill in Tennessee (TWEN)