

SYLLABUS TORTS FALL 2008
Sections 4, 5, 6

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TEXT: PROSSER, WADE AND SCHWARTZ TORTS
CASES AND MATERIALS 11TH EDITION

Supplemental materials will be added to casebook materials
Supplemental materials are available on CD-ROM. This will
be distributed in the first class.

Syllabus subject to change with advance notice
Assignments begin with a case and end at end of notes
following that case, unless otherwise indicated

FIRST CLASS ASSIGNMENT

The shaded material is the first assignment

NEGLIGENCE: what is it?

Introduction

Pp 1-4 to end of text

Brown v. Kendall p.6

STANDARD OF CARE

WHAT IS IT? HOW IS IT ESTABLISHED? HOW IS IT
PROVEN?

Pp 131-132

Elements of Cause of Action p 132-133

THE REASONABLE PERSON

Text pp. 144-145

Vaughan v. Menlove p. 145

Holmes on the Reasonable Person CD-ROM
Delair v. McAdoo p. 148

SPECIAL APPLICATIONS OF THE REASONABLE PERSON

1. Emergencies

Cordass v. Peerless Transportation Co. p. 154

2. Blackouts and Physical Illness

Cohen v. Pretty p. 10

Eleason v. Western Casualty & Surety Co. (CD-ROM)

3. Physical Disabilities

Roberts v. State of Louisiana p. 157

4. Mental Illness

Breuning v. American Family Ins. Co. p. 165

Gould v. American Family Insurance Co. CD-ROM

Recap of categories 1-4 Roman v. Estate of Gobbo, CD-ROM

5. Children

Robinson v. Lindsay p. 161

The Professional

Notes pp 170-173; 175 (beginning at note 2)-177

Boyce v. Brown p. 177

Morrison v. MacNamara p. 181

Informed Consent

Scott v. Bradford p. 185

Moore v. The Regents of the University of California p. 191

Notes up to Guest statutes p. 199

PROOF OF DUTY AND BREACH OF DUTY

(A) By Using Statutes to set the Standard of Care

Osborne v. McMasters p. 204

p. 208, beginning at note 2 through 210

Martin v. Herzog p. 222

Perry v. S.N. and S.N. p. 215

(B) By Custom and Usage

Trimarco v. Klein p. 150

(C) By Circumstantial Evidence

Lipman v. Super-X Drug Corp. CD-ROM

Goddard v. Boston & Maine RR Co. p.229

Anjou v. Boston Elevated Railway Co. p.230

Joye v. Great Atlantic and Pacific Tea Co. p. 231

Jasko v. F.W. Woolworth Co. p. 233

Sheehan v. Roche Bros. Supermarkets Inc. CD-ROM

Lanier v. Wal-Mart Stores-CD-ROM

(D) By Res Ipsa Loquitur

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Larson v. St. Francis Hotel p. 246

Ybarra v. Spangard p. 250

CAUSATION

Cause in Fact

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Quantum of Proof Problems

Gentry v. Douglas Hereford Ranch, Inc. p. 263

Kramer Service, Inc. v. Wilkins p. 267

Shumaker v. Oliver B. Cannon & Sons CD-ROM

Problems in Determining Which Party Caused Harm

Concurrent Causes

Bierczbski v. Rogers p. 361(skip notes)

Hill v. Edmonds p. 282

Inability to Tell

Summers v. Tice. P. 285

Sindell v. Abbott Laboratories p. 287

St. Louis v. Benjamin Moore & Co. CD-ROM

Cause in Law (Proximate Cause)

Atlantic Coast Line R. Co. v. Daniels p. 293

Unforeseeable consequences

Ryan.v. New York Central RR Co p.294

*In Re Arbitration Between Polemis and Furness, Withy & Co.
p.300*

Wagon Mound I p.302

Palsgraf v. Long Island RR. Co. p. 308

Intervening Causes

Derdiarian v. Felix Contracting Corp. p. 325

Watson v. Kentucky & Indiana Bridge & RR Co. p. 329

Rescuers

Arthur Wagner v. International Railway Company CD-ROM

McCoy v. American Suzuki Motor Corp. p. 338

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DAMAGES (mostly lecture)

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Aggravation of Pre-Existing Condition

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Public Policy Limitations

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Pure Economic Loss

Brief lecture

Pure Emotional Harm

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PREMISES LIABILITY**

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(B) Licensees

Barmore v. Elmore p. 489

(C) Invitees

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(D) Protection of Patrons Against Criminal Conduct

Rhudy v. Bottlecaps, Inc. CD-ROM

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Persons Outside the Established Categories

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Bennett v. Stanley CD-ROM

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Firefighters Rule

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