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1. Patrick(P) v. State Hospital(SH) for Cook(C)'s negligence

Negligence

In order to valid for negligence, a defendant owes a duty to a foreseeable plaintiff prevented from unreasonable dangers. When that duty is breached, it actually and proximately cause the plaintiff's damages.

Duty: Negligence Per se

when C breached a duty to conform the statute which the member of class within the statute is protected and which the harm prevented from the statutes, without excuses, C is liable for Negligence per se.

Here, a state health code provides that food served in a hospital must never be left unattended before, during, or after meal service in order to prevent contamination or tampering. When P consumed the mashed potatoes which Frank (F) tampered, he suffered severe injuries due to F's conduct. P is a member of class within the state health code and his injury is the harm which should be prevented in the state health code. Thus, C owes a duty of negligence per se.

Breach

Here, C and all her employees were not present in the kitchen when F entered the hospital kitchen before lunch time. Their conducts didn't conform the state health code discussed above.

Therefore, there is a breach.

Actual cause

bu left unattended before lunch time, F's entering the kitchen and mixing peanut powder into a serving tray full of mashed potatoes would not have happened. Furthermore, but

for tampering the food, P would not have suffered severe injuries with a serious allergy to peanuts.

Thus, there is actual cause.

Proximate cause

It is foreseeable that P would have severe injuries because he had a serious allergy to peanuts when F entered the kitchen left unattended and mixed peanut powder into the mash potatoes which P later consumed. there was no intervening cause in the fact. Therefore, there is proximate cause.

Damages

P suffered severe injuries.

Therefore, C is liable for negligence per se.

Vicarious liability

Because SH entered into a contract with C's catering to provide on-site meal service to patients, staff, and visitors, it is vicariously liable for C's negligence.

SH may argue that C is an independent contractor thus SH is not liable for C's negligence. However, since SH is a public hospital which is open to public, SH has a non-delegable duty for C's conducts while operating the hospital.

Therefore, SH is vicariously liable for C's negligence.

2. SH's duty owed to Patrick(P)

SH owes P a duty to protect him from Frank, because P is a patient of SH which is a foreseeable plaintiff protected from unreasonable dangers. Frank's entering the kitchen and tampering the food is unreasonable dangers. A reasonable prudent hospital would not let F's en the kitchen in the similar circumstances.

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