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### Landowners Duty

Landowners duty are identified in three categories:

#### A.) Trespasser - No Duty owed

From the facts since Ollie (O) owns a field which he rented to the Pelicans (P), a soccer team, for a soccer game against another team the Jaguars (J), there are no trespassers here.

B.) Licensees - Guests or anyone you've invited to your home - You owe a duty to for-warn of any known dangers and keep the premises safe.

From the facts since Ollie (O) owns a field which he rented to the Pelicans (P), a soccer team, for a soccer game against another team the Jaguars (J), this could possibly be identified as a Licensee. However, O will argue that he owes no duty to P or J or its players as he has rented his field to them for the purpose of them playing soccer and that the teams and its couches are responsible for anything that happens to the players or anyone there for the purpose of the game.

Here, Yvonne (Y) would argue that she is owed a duty as anyone that goes to the stadium or anyone in the soccer field as a player is owed a duty by the landowner to keep the premises safe and since O did not check the field for dangerous conditions the day of the actual game and only checked the day before he did not find the broken glass on the field that she cut herself with.

C.) Invitees - They are there for the benefit of the landowner, a construction worker, usually an independent contractor doing repairs to your home or property - You owe duty to warn against dangerous conditions.

Here the facts indicate that on the afternoon before the day of the game, Ollie checked the field for dangerous conditions. He found nothing. He did not examine the field again before the game.

From the facts since Ollie (O) owns a field which he rented to the Pelicans (P), a soccer team, for a soccer game against another team the Jaguars (J), and that they should be treated like Invitees that are independent contracts that he owes no duty to . However, O will argue that he owes no duty to P or J or its players as he has rented his field to them for the purpose of them playing soccer and that the teams and its couches are responsible for anything that happens to the players or anyone there for the purpose of the game.

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Should the court find that O acted negligently then he would owe Y a duty under Landowner occupiers duty.

### Negligence

In order to have a prima facie claim of negligence the plaintiff must prove that the defendant had a duty, breached that duty and that plaintiff suffered damages as a result of the breached duty and

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negligence.

### Duty

Duty to act as a reasonable prudent person would act under the same or similar circumstances.

Cardozo View - Zone of Danger - In the Palsgraff, case Justice Cardozo found that you a duty to any plaintiff that is placed in the Zone of Danger

Andrews View - everyone owed a duty - Whereas, Justice Andrews in Palsgraff found a duty is owed to Everyone.

### Breach

- Breach occurs when you are the actual and proximate cause of the plaintiffs harm.

### Causation

- Actual Cause - "But for test"

- Proximate Cause - Reasonably foreseeable that the harm would occur

### Damages

- The actual harm the plaintiff suffered as a result of your duty and breach

### Battery

Intentional or harmful touching of another by force

1.) Could Yvonne successfully sue Ollie or Barry, or both, in negligence for her broken arm and cut hand? Discuss.

Here, Y will argue that Barry (B) was negligent and the cause of Y's broken arm and bad cut on her hand from the broken glass. She will argue that B knew of Kate's (K) is a very aggressive behavior and knew of her propensities of prior aggressiveness where K had started a fight with a player from the opposing team in the past and still he told K to play aggressively as such he was negligent and he was the cause of her injuries.

Y will further state that but for B asking K to play aggressively, K would have not knocked Y down and Y would have not broken her arm and suffered the cut on her hand from the broken glass that was lying on the field. As such B is the actual and proximate cause of Y injuries for having instructed K to play aggressively.

B will argue that the broken glass that cut her hand was a superseding cause and not the type of injuries you expect from a fall. However, O will argue that he had checked the field and had not found any dangerous objects and if it wasn't for B asking his player K to play aggressively then Y would have not fallen and injured herself and cutting herself.

However, the court will most likely find that both O and B were negligent and owed Y a duty that they breached and they are the cause of her injuries and that she should be awarded damages for her injuries.

2.) Could Yvonne successfully sue Kate for battery? Could Kate successfully sue Yvonne for battery? Discuss

Y will be successful in her suit against Kate for battery as K had a prior propensity of aggression and when B asked her to play rough and as such knocked Y on the floor to cause her broken arm.

Furthermore, Y will argue that when she asked K, "Why are you being such a jerk" Kate responded by punching Yvonne. Yvonne pushed Kate, who fell and suffered some minor bruises. Yvonne suffered no further injury. Y will state that she acted in self-defense by punching K and as such should not be held liable to K for any battery against K.

The court will find that Y is successful in her suit against K for battery but will find that K is not owed any battery by Y as Y acted in self defense.

3.) If Yvonne recovers only from Ollie and Barry in negligence, how would her damages be apportioned Ollie and Barry? Discuss

Y can collect her award from both O and B apportioned their share of percentage that the court finds each defendant to be guilty or she can choose to collect her full awarded such from one of the co-tortfeasors and then that co-tortfeasor can ask for that sum that he has paid in excess to be reimbursed to him by the other tortfeasor. So Y is entitled to receive full payment from either O or B as co-tortfeasors, or have each tortfeasor pay their percentage of fault that the court finds they are liable of for their negligence claims.

In conclusion Y will be awarded her full amount of recovery from either both apportioned to their percentage or from one collectively.

Question #2 Final Word Count = 1254

**END OF EXAM**