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1.Yvonn'e (Y) claims against Ollie (O) and Barry (B)

To bring negligence plaintiff must establish duty of care, breach of the duty, causation, and damages.

O's negligence for Cut

Standard Duty of Care

A person has duty to act as reasonable prudent person to foreseeable plaintiffs. Landowner have additional duty of care to licensees who are permitted to be in the land. Landowner must inspect and warn known dangers if there is any.

Here, Ollie is a landowner because he owns the field and rents it to Pelicans.

Therefore he must inspect and warn the foreseeable plaintiff to known dangers.

Duty to Whom

In Cardozo View defendant has duty to foreseeable plaintiffs. Andrew's View defendant has duty to everyone.

Here, O has duty to Y because Y is a licensee since she is there to play soccer.

Thus, he must warn Y for known dangers.

Breach

Defendant breaches his duty when fails to conform with the duty.

Here, Y may argue that O breached his duty because he did not examine the field again before the game. In contrast, O will argue that day before afternoon he checked the field for dangerous conditions and found nothing. Moreover, O may argue that the broken glass thrown to the field during the game therefore it was unknown to him.

Court will likely find no breach since O reasonably examined the field before the game.

Causation

Plaintiff must show the injury is in fact actual and proximate cause of plaintiff's breach.

Actual Cause

Plaintiff (P) must show but for defendant's (D) breach the injury would not occurred.

Here, if we accept that O breached his duty, Y can show that but for broken glass she would not have the cut.

Thus there is actual cause.

Proximate Cause

Plaintiff must show that it was foreseeable that if he breaches his duty injury would happen.

Y can show that it is foreseeable if there is a broken glass in the field it may cut the players.

Thus there is proximate cause.

Damages

P must show damages.

Y can show the cut.

Conclusion

It is close call whether O breached his duty. If fact finder finds that he breached Y may successfully sue.

B's Negligence For Broken Arm

Vicarious Liability

D is liable for torts committed by people under their control. However intentional tort must be in scope of the business.

Here, Kate (K) is acting under B's control because she is B's player and acting on directives of B.

Thus B is vicariously liable.

Duty

See rule above. Business owner has duty to prevent harms may caused by his employees.

Here, B must prevent harms to Y because she is foreseeable plaintiff since she is opposing team's player.

Thus B has duty.

Breach

See rule above.

Here, B acted unreasonable when he ordered K to play more roughly. However, B may argue that rough play is in nature of soccer game therefore he did not acted negligently when he gave order to play tougher.

Thus, B may be breached his duty.

Causation

See rule above.

Actual Cause

See rule above.

Here, but for he instructed to play tougher Y would not break her arm.

Thus there is actual cause.

Proximate Cause

See rule above.

Here, it is foreseeable that if players play tougher somebody can get injured.

Thus, there is proximate cause.

Damages

See rule above.

Y can show her broken arm.

Conclusion

It is close call whether B breached his duty. If fact finder finds that he breached Y may successfully sue.

2.Battery Claims

K's Battery

Battery is a offensive or harmful touching to another's person.

Here, K acted offensively and harmfully because she knocked Y down and after she punched Y.

Thus, K committed battery.

Consent

Consent is a defense to battery.

Here, K may argue that Y consented to rough play. However, Y will argue that although she consented to rough play, she did not consent to get punched.

Thus, Y did not consent.

Conclusion

Y may successfully sue K for battery.

Y's Battery

See rule above.

Here, Y touched offensively and harmfully to K's person because she pushed her.

Thus, Y committed battery.

Consent

Y may argue that K consented to being pushed in possible altercation during the game.

Thus, K likely consented.

Self Defense

A person may use reasonable force to prevent harm to occur.

Here, Y will argue that she used reasonable force because K unreasonable knocked her down. However, there is no indication that there will be another future harm,

Thus, Y likely did not acted in self defense.

Conclusion

K may successfully sue Y for battery.

3.Apportion of Damages

Several Joint Liability

Court may apportion damages equally when parties caused the harm in contributory.

Here, O may reimburse damages caused by B's actions. B will ask reimbursement from K for her intentional tort because K was not acting in scope of his instruction. B may also ask for reimbursement for cut caused by the broken glass.

Thus, the court will likely proportionate the damages accordingly.

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END OF EXAM