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1a) Yvonne v Ollie (negligence)

Premises liability

Negligence requires four elements: 1) duty (generally, a person owes a duty to all foreseeable plaintiffs that are within the zone of danger); 2) breach falling below the relevant standard of care imposed by the duty; 3) causation, which includes "but-for" causation and proximate causation (legal causation--which deals with whether the cause was foreseeable or not); and 4) damages/injury. Under the common law, there are different duties owed when it comes to premises liability. When the owner of the property invites people onto his property as social guests (invitees), then the owner of the property has a duty to warn of any known dangers and maintain a safe property. When the owner of the property opens his property up to the public for business as customers, then the owner of the property has a duty to warn of any known dangers and to actively take steps to make the premises safe.

Here, there is someone who owns property because Ollie owns a field. Here, there is a property owner who opened his property up to the public for business as customers because Ollie rented the field to the Pelicans, a soccer team, for a soccer match against another team, the Jaguars. Here, there is an owner who actively took steps to make the premises safe because Ollie checked the field for dangerous conditions before the game and found nothing. Moreover, because he found nothing, he did not have a reason to tell Yvonne (or the Pelicans and the Jaguars) about the broken glass on the field. Yvonne would argue that Ollie failed to actively take steps to make the soccer field safe because he did not discover the broken glass when he searched the field earlier in the day. Moreover, she would argue that he also failed to warn of known dangers because she as a player for the Jaguars was not made aware of the broken glass on the field. She might even argue *res ipsa loquitur* but it would be difficult to prove that no one else had access to the field between Ollie's search and the game. In the end, a court would likely find that Ollie did not breach his duty to Yvonne because he checked the field earlier in the day and discovered no broken glass--and it was reasonable to assume that no broken glass would appear on the field between his search of the field and the game. Thus, Ollie did not breach his duty.

Therefore, Yvonne would not be successful in bringing a negligence action against Ollie.

1b) Yvonne v. Barry (negligence)

Negligence requires four elements: 1) duty (generally, a person owes a duty to all foreseeable plaintiffs that are within the zone of danger); 2) breach falling below the relevant standard of care imposed by the duty; 3) causation, which includes "but-for" causation and proximate causation (legal causation--which deals with whether the cause was foreseeable or not); and 4) damages/injury. An employer or supervisor can be held liable for negligence under the theory of vicarious liability and *respondeat superior*. With *respondeat superior*, an employer/supervisor is vicariously liable for the torts committed by his subordinates if the tort occurred within the scope of employment. One determines the scope of employment by looking at whether the conduct occurred within the employee's general duties, with the employee being subject to the control of the employer/supervisor. Generally, an employer/supervisor will not be vicariously liable under the theory of *respondeat superior* if the employee committed an intentional tort (such as battery). However, the employer will still be liable under this theory if the intentional tort was committed by an

employee who: 1) was motivated to serve the employer; 2) use of force is a typical part of the job; and 3) the employee used force to serve the employer.

Here, there is an employee who committed a tort (battery--see more below) because Kate knocked down Yvonne during the game, which resulted in her breaking her arm and getting cut on the glass. Here, there is an employee whose conduct occurred within the employee's general duties because Kate, as a soccer player for the Jaguars, knocked Yvonne down while playing the game for which she is employed. Here, the tort committed by Kate was an intentional tort because she battered Yvonne during the course of the game by knocking her down. Here, the employee was motivated to serve the employer because Barry instructed Kate to play more roughly. Here, using force is a typical part of the job because knocking an opponent down is part of the sport of soccer. Here, Kate used force to serve Barry because she knocked Yvonne down to further Barry's goal of stopping the Jaguars' rough play.

Thus, Barry could be held vicariously liable for his conduct.

Alternatively, Barry could be held negligent because he 1) knew that Kate had a propensity to be a very aggressive player; 2) that Kate had started a fight with with a player from another team in the past; and 3) he told Kate to play more roughly. Generally, a person is liable for all the injuries that results from his conduct and it was reasonably foreseeable that Kate would cause some player on the Jaguars' team harm by having permission to play more roughly.

Assumption of the risk

One defense to negligence is that a person who assume a known risk cannot hold a tortfeasor negligent. Generally speaking, if one consents to play a contact sport, then one would assume the risk of suffering physical injury during that contract sport.

Barry will argue that Yvonne assumed the risk of physical injury by playing soccer. Yvonne will argue that she assumed some risk by playing soccer but not the risk associated with a coach telling a player to play more roughly than is permitted by the rules of the game. A court would likely find that Yvonne did not assume the risk of her physical injury (the broken arm and the cuts from the broken glass) by voluntarily playing a game of soccer.

Thus, assumption of the risk won't prove an effective defense.

Therefore, Barry will be liable to Yvonne for negligence.

2a) Yvonne v. Kate (battery)

There are four elements to battery, which is a intentional tort: 1) a voluntary act (not a mere physical reaction but a choice); 2) an intent to create a harmful or offensive contact; 3) a harmful or offensive contact; and 4) damages/injury.

Here, there is a voluntary act because Kate knocked Yvonne down while playing the game. Here, it could be argued that this was just a part of the game and no voluntary act that would constitute battery. If that's the case, then there is still a voluntary act because Kate punched Yvonne in a later interaction. Here, there is an intent to create a harmful or offensive contact because Kate desired to bring about the punch against Yvonne. Moreover, Kate did this during a break in play, so Kate could not argue that this punch was simply part of the soccer game. Here, there is a harmful or offensive contact because Kate actually punched Yvonne. Here, there do not appear to be damages/an injury because the fact pattern indicates that after Kate punched Yvonne she "suffered no further injuries." However, it is likely that a punch to someone's body necessarily creates an injury.

Thus, Yvonne would be successful in bringing a battery claim against Kate.

2b) Kate v. Yvonne (battery)

There are four elements to battery, which is an intentional tort: 1) a voluntary act (not a mere physical reaction but a choice); 2) an intent to create a harmful or offensive contact; 3) a harmful or offensive contact; and 4) damages/injury. Self-defense permits an individual to use reasonable non-deadly force to protect oneself if the person reasonably believes that person is in immediate threat of bodily harm. Self-defense functions as a defense to the tort of battery. However, an individual cannot use self-defense if there is no reasonable belief of immediate bodily harm.

Here, there was a voluntary act because Yvonne chose to push Kate and was not merely physically reacting to a stimulus. Here, there is an intent to create a harmful or offensive contact because Yvonne noted that "Kate was being such a jerk" and desired to get back at Kate. Here, there is a harmful or offensive contact because Yvonne pushed Kate to the ground. Here, there are damages/injuries because Kate suffered some minor bruises by falling to the ground.

Thus, Yvonne committed a battery against Kate.

Self-defense

However, Yvonne will argue that she acted in self-defense. She will argue that she pushed Kate because she reasonably believed that she was in immediate threat of bodily harm as Kate had just punched her on a break. However, this argument will not hold up because Kate had already punched Yvonne. Meaning, Yvonne could not argue that she acted in self-defense because Kate had already performed the punching--Kate was not about to punch Yvonne, she already had punched her.

Thus, Yvonne's self-defense argument will fail.

Therefore, Kate will succeed in her battery claim against Yvonne.

3) Yvonne v. Ollie and Barry (negligence)

Generally, a plaintiff may recover against tortfeasors under joint and several liability. Meaning, the plaintiff may obtain all of her award from one of the defendants and that defendant can then seek contribution or indemnity from the other tortfeasor. Generally, a pure comparative negligence will be applied. Meaning, the plaintiff recovers to the degree she was not negligent and recovers from each defendant to the degree that each defendant was negligent. Lastly, a defendant is generally liable for negligence for all the foreseeable consequences of their actions, even if a foreseeable indirect cause contributed to the plaintiff's injuries.

Here, if Yvonne got a judgment against both Ollie and Barry, then they would be jointly and severally liable to Yvonne. She would recover from each person to the degree that they were negligent--as determined by a jury--with her reward being reduced by her own amount of negligence (if she were negligent at all).

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