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1. Yvonne v. Ollie and Barry

Yvonne v. Ollie

Negligence

Negligence occurs when a defendant owes a plaintiff a duty, breaches that duty, and is the cause of the plaintiff's damages.

Duty

A person owes a duty of care to the plaintiff and depending on the shared relationship a special duty may be owed. There is a modern and minority view applied regarding duty.

Andrew's Standard for Duty

Under the minority Andrew's, a defendant owes a duty of care to everyone.

Here, Ollie owns a field. Under the minority standard of care, Ollie owes a duty of care to everyone.

Cardozo Standard for Duty

Under the majority Cardozo rule, a defendant owes a duty of care to the foreseeable plaintiff and must act with a standard of care that a reasonable prudent person in the same or similar circumstances would conduct themselves.

Here, Ollie owes a duty of care to all foreseeable plaintiffs. Here, Ollie owns a field which he rented to the Pelicans (soccer team) for a soccer game. Under this standard, Ollie owes a duty of care to the foreseeable plaintiff which would include the team he rented the field to, the opposing team's players, as well as foreseeable attendees of this game. Here, Ollie owes the reasonable standard of care to Yvonne because she is a player on the Pelicans teams.

Therefore, Ollie owes a the reasonable standard of care to the Yvonne.

Landowner's Duty

A landowner owes a duty of care that requires him to provide safe conditions to invitees on the property. This duty requires the landowner to inspect for obvious hazards within a reasonable time, and to reasonably keep the space safe while guests are on the premises.

Here, Ollie owns the field and is thus a landowner. Ollie rented the field to the Pelicans for a soccer game against another team (the Jaguars). Ollie inspected the field on the afternoon before the game and checked for dangerous activities where he did not find anything. As landowner, Ollie is required to check for obvious hazards when there are licensees involved.

Therefore, Ollie owed a duty to keep his land free from obvious dangers.

Licensee

A licensee is someone who is invited onto the premise and is a guest on the space when they are present for the requisite purpose they were invited on to the property for.

Here, Yvonne and players of both teams are licensees because they were invited onto the land to play the soccer

game. Yvonne would not lose this status unless she she was on the field when she was not was supposed to be. Here, Yvonne was on the field and playing there during the game.

Therefore, Yvonne is a licensee.

Overall, Ollie owed a duty to Yvonne,

Breach

A breach occurs when the defendant fails to act with he requisite duty owed to the plaintiff.

Here Ollie did not examine the field again prior to the game starting, As a landowner, Ollie was required to keep the field safe from foreseeable and obvious dangers. However, Ollie did not inspect the field within a reasonable time of the soccer game started.

Therefore, Ollie breached his duty to provide the requisite standard of care owed as a landowner when he failed to inspect the field.

Causation

The defendant must be the actual and proximate cause of the plaintiff's injuries.

Actual Cause

The defendant must be the actual cause of the plaintiff's injuries by directly causing the harm that the plaintiff is complaining of.

Here, Yvonne fell and broke her arm and badly cut her hand on broken glass lying on the field. Because Ollie failed to inspect the field for obvious dangers and latent issues, Yvonne cut her hand. Broken glass is an obvious item to see on a soccer field and Ollie owed a duty to make the conditions safe for soccer play. Ollie was aware that the Pelicans would be playing a soccer game and he was aware of the foreseeable use of a soccer field.

Therefore, Ollie is the actual cause of Yvonne's cut to her hand,

Proximate Cause

The defendant must be the proximate cause of the plaintiff's injuries. A defendant is the proximate cause when his conduct is within the chain of causation and was not outside the chain of what would have ordinarily occurred.

Here, Ollie's the proximate cause of Yvonne's broken arm. Here, Kate a player on the Pelican's team began playing aggressively and knocked Yvonne down. While Kate was the direct cause of the broken arm, Ollie proximately caused the injuries by breaching his duty of care to provide a safe space. But for Ollie's failure to inspect, Yvonne would not have sustained a broken arm and cut hand.

Therefore, Ollie is the actual and proximate cause of Yvonne's injuries.

Damages

The plaintiff must have suffered an injury as a result of the defendant's conduct.

Here, Yvonne suffered a broken arm and cut hand. Yvonne was injured as a direct result of Ollie's failure to provide a reasonable standard of care when he failed to inspect the field.

Therefore, Yvonne was injured.

Overall, Yvonne will prevail in a negligence action against Ollie because he failed to provide the requisite duty of

care, breached the duty, and caused the injuries Yvonne incurred.

Yvonne v. Barry

Negligence

Duty

See rule above.

Here, Barry is the coach for the Pelicans soccer team. Barry owes a duty of care to his players and the opposing players on the Jaguars team including Yvonne because the players of the opposing team are foreseeable plaintiffs. Here, Barry does not owe a special duty as a coach, however he is still required to act as a reasonably prudent person.

Therefore, Barry owes a duty of care to Yvonne.

Breach

See rule above.

Here, Barry instructed his player Kate to play aggressively because he became frustrated by the Jaguars rough play. He instructed his player Kate, who he knew would be a very aggressive player from her past conduct as an aggressive player to play more roughly. This instruction is a breach to the standard of care he owed as a reasonably prudent person because he instructed his player to conduct herself aggressively. Kate then knocked Yvonne down. This action is a breach to the duty because a reasonably prudent coach would not instruct their players to play so aggressively it becomes dangerous.

Therefore, Barry breached his duty of care by instructing Kate to play aggressively.

Causation

See rule above.

Here, Barry is the actual and proximate causes of Yvonne's injuries because but for his instruction to Kate, Yvonne would not have been knocked down. Barry caused her injuries by encouraging the rough play and instructing it.

Therefore, he is the actual and proximate cause of Yvonne's injury.

Damages

See rule above.

Here, Yvonne suffered a broken arm and cut hand. Yvonne was injured as a direct result of Barry's failure to provide a reasonable standard of care when he instructed Kate to play aggressively.

Therefore, Yvonne was injured.

Overall, Yvonne will prevail in a negligence action against Ollie because he failed to provide the requisite duty of care, breached the duty, and caused the injuries Yvonne incurred.

2. Yvonne v. Kate

Battery

A battery occurs when there is an intentional act by a person that results in unlawful touching of the plaintiff's person that is harmful or offensive.

Here, after the game play was stopped because the referee called a foul, Kate punched Yvonne after Yvonne asked why she was being a jerk. Kate intentionally punched Yvonne and caused an unlawful touching to Yvonne's person. Punching is harmful and offensive conduct even during a soccer game.

Therefore, Yvonne will be able so successfully sue Kate for battery for the punch after the game play stopped.

Assumption of Risk

Assumption of risk is a defense to intentional torts and may apply when the plaintiff consented to the touching and thus assumed the risk of foreseeable contact.

Here, Kate may be able to defend her knocking Yvonne down during the game through the assumption of risk defense because Yvonne consented to injury foreseeably caused by the rough nature of sports. Although Kate played aggressively, this was in response to the Jaguar's rough play. It can be inferred that the game was rough from the beginning and thus, Yvonne consented to the knocking down. However, Kate will not be able to defend herself for punching Yvonne as this was outside of game play and Yvonne did not consent to this.

Therefore, Kate will be able to successfully defend herself on the battery claim regarding the knock down. However, Kate will have no defense to her punching Yvonne and Yvonne will prevail in that case of action.

3. Yvonne's Recovery from Ollie and Barry

Joint and Several Liability

Joint and several liability requires that each co-defendant is entitled to 100% of the damages to the plaintiff even if they were both found liable.

Here, Yvonne can recover 100% of her damages from either Barry or Ollie. She is entitled to the damages and Barry may be liable to all of them.

Therefore, Yvonne will be entitled to her damages from either or both Barry or Ollie.

Comparative Negligence

In a comparative negligence jurisdiction, the plaintiff's damages are reduced by the plaintiff's own negligent conduct.

Here, Yvonne was not negligent and did not contribute to her injuries by engaging in negligent conduct against either Ollie or Barry because she was acting as a reasonably prudent soccer player.

Therefore, Yvonne will be entitled to 100% of her damages from Barry and Ollie.

Contributory Negligence

In a contributory negligence jurisdiction, the plaintiff is entitled to damages reduced by her own negligent conduct. In this jurisdiction, the plaintiff is entitled to up to 50% of recovery from the tortfeasors, however if the plaintiff's own negligence is more than 50%, she is barred from recovery.

Pure Comparative Negligence

In a pure comparative negligence jurisdiction, the plaintiff is barred from recovery if they are found to be any percent liable for the negligent conduct. The plaintiff's damages will be completely barred if they were also negligent.

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