

Torts Hypos Worksheet

Instructions: After you read the following scenarios, discuss with your group (a) what possible negligent torts have occurred and (b) whether all the elements of a negligent tort are present for each tort. If not, what elements are missing? If so, does the tortfeasor have any possible defenses?

1. Jenny is driving her car and rocking out to loud music. She does not hear the siren from the ambulance driving down her lane until the ambulance is just 15 feet from her. As soon as she notices the ambulance she swerves to the side of the road without checking her blind spot. She runs into Michael who was in the bicycle lane next to her.
2. Ted is driving down 15th Avenue on a bright sunny day. He drives through the intersection at 45th Street because he has a green light. Unfortunately, a truck driving east on 45th Street runs the red light and crashes into the side of Ted's car. Ted has nitro boosters in his car that explode on impact. Miraculously, neither Ted nor the driver of the truck is injured, although there is severe property damage, but shrapnel from Ted's car hits a pedestrian and cuts his leg and strikes a person's dog killing it. Furthermore, an old man walking out of the Burke Museum hears the explosion and the shock causes him to suffer a heart attack.
3. Steven received a ticket to a Mariners' game for his birthday. He is very excited because even though the Mariners are a continuously disappointing team, he feels that this year is their year. He is sitting in the right field stands. In the third inning the unthinkable happens; Jose Vidro hits a pitch that looks like it's going to be a home run. Steven leans on the railing on the right field fence hoping to catch the ball. Just before the ball reaches his hands the weight of the people pushing him from behind causes the railing to buckle and Steven falls into right field and breaks his arm. To make matters worse, the ball turned out to be an otherwise routine fly.
4. John, a cabinet maker, was heating glue over a gasoline fire. At some point the glue boiled over out of the pot and caught fire. John tried to put it out by throwing water on it, but that just caused the fire to spread. One thing led to another and the fire didn't stop at the cabinet shop, but instead burned down most of Seattle.
5. Anne and Sue, two seven-year olds, were playing in Anne's backyard. Anne found her father's golf clubs and the girls took turns swinging the clubs. When it came time to swing the seven iron, Anne didn't notice that Sue had walked right behind her and when she swung the club it went around and split Sue's skull. Sue needed some stitches, but she was otherwise alright.