

Law School Case Briefs

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Brown v. Kendall

60 Mass. (6 Cush.) 292 (1850)

Keyword Subject

Negligence, Tresspass (common law)

Facts

The plaintiff and defendant's dogs were fighting and, in order to break up the fight, the defendant picked up a stick to hit the dogs to separate them. While raising the stick, the defendant struck the plaintiff, who was standing behind him, in the eye.

The defendant was acting lawfully, and there was no indication of unlawful intent

Procedural History

Jury Trial: In favor of Plaintiff

Appeal: In favor of Defendant (New Trial Ordered)

Issue

Does the defendant hold the burden of proof when an unintended consequence results from a lawful act without unlawful intentions?

Holding: No; New Trial Ordered

Principle

The plaintiff holds the burden of proving that a defendant acted either unlawfully or carelessly

Reasoning

If an act is lawful and a purely accidental injury arises, the actor cannot be held liable

Separate Opinions

Notes

Cohen v. Petty

62 App.D.C. 187, 65 F.2d 820 (1933)

Keyword Subject

Negligence, Car, Reasonable Care

Facts

The plaintiff was riding in a car driven by the defendant, when the defendant was suddenly stricken by an illness that resulted in them passing out behind the wheel.

The defendant testified that he knew himself to be in good health and had never fainted before.

The defendant wasn't driving recklessly and he did not feel ill until moments before he passed out.

Procedural History

Trial Court: In favor of Defendant

Appeal: In favor of Defendant

Issue

Can a defendant struck with a sudden and unexpected illness that results in damages to a plaintiff be held liable?

Holding: No; Previous Ruling Affirmed

Principle

Unexpected and accidental "acts of god" cannot be used to hold someone liable for negligence

Reasoning

There was no evidence presented that would indicate that any reasonable level of care could have prevented the events from happening, therefore it is unreasonable to hold the defendant liable for negligence

Separate Opinions

Notes

Garratt v. Dailey

46 Wash.2d 197, 279 P.2d 1091 (1955)

Keyword Subject

Battery, Minor, Intent

Facts

The defendant (a 5 year old named Brian Dailey) was visiting the plaintiff Naomi Garratt (an adult) and the plaintiff's sister (Ruth Garratt) in the back yard of the plaintiff's home.

The plaintiff contends that the defendant deliberately pulled a lawn chair out from under her when she went to sit down. However, the trial court accepted the defendant's explanation that he had pulled the chair for himself to sit in and then, once he realized that the plaintiff was about to sit where the chair used to be, tried to push the chair back under the plaintiff. Unfortunately, the chair was too unwieldy for the defendant to properly move so the plaintiff fell and broke her hip.

Procedural History

Trial Court: In favor of Plaintiff (Damages set at \$11,000)

Appeal: In favor of Defendant (Remanded for clarification)

Trial Court: In favor of Plaintiff (Damages reset at \$11,000)

Issue

Can a defendant be held liable for battery in the absence of intent if the defendant does not have the knowledge that their action could or would lead to the injury?

Holding: No; Remanded for clarification

Principle

A person cannot be held liable for a tort if they do not have the knowledge that their actions could or would lead to an injury.

Reasoning

Separate Opinions

Notes

When the Defendant moved the chair in question, he did not have any wilful or unlawful purpose in doing so and did not intend to injure the plaintiff

Hawkins v. McGee

84 N.H. 114, 146 A. 641 (N.H. 1929)

Keyword Subject

Warranty, Offer, Negligence

Facts

A young man suffered an electrical burn on his hand that left him with scar tissue on his hand. He is solicited by a doctor who offers to perform a skin graft from his chest to his hand. He claimed that the man would recover from the surgery in 3-4 days and would be left with a "perfect hand".

The surgery was botched by the surgeon and resulted in an infection and hair grew from his hand. The man's usage of the hand was impacted and he sued for breach of contract.

Procedural History

Trial Court: In favor of the Plaintiff

Appeal: In favor of the Plaintiff(?) [New trial ordered]

Issue

Does the defendant's promise to give the plaintiff a "perfect hand" constitute a warranty for the surgery?
Is this impacted by the fact the doctor solicited the patient for the surgery?

Holding: Yes; New trial ordered

Principle

The verbal warranty provided by the doctor entitled the patient to expectancy damages

Reasoning

The previous instructions provided to the jury failed in both its points: - The pain and suffering felt by the patient were irrelevant because they would have been experienced regardless of the results of the surgery - The warranty provided by the doctor entitles the patient to more than just restitution damages

Separate Opinions

Notes

The writ (the lawsuit) included a count of negligence, and assumpsit.

Negligence - Malpractice (struck because the surgery was known to be experimental)

Assumpsit -

Spano v. Perini Corp

304 N.Y.S.2d 15 (1969)

Keyword Subject

Negligence, Property Damage

Facts

The plaintiff Spano owned a garage in Brooklyn which was wrecked by a blast of dynamite set off by Perini Corp.

The blast (totaling 194 sticks of dynamite) was set off in a construction site 125 feet from the garage and though it did not result in debris that wrecked plaintiff's garage, the shockwave of the explosion did shake his garage to the ground.

Procedural History

Trial Court: In favor of Defendant

Appeals: In favor of Plaintiff

Issue

Can someone be held liable for damages caused by blasting that were not the direct result of "physical trespass" or negligence?

Holding: Yes; New Trial

Principle

A blaster holds strict liability for damages resulting from blasting, regardless of whether there was physical trespass or negligence

Reasoning

It's unreasonable to conclude that a company doing dynamite blasting is not liable for damages to adjoining properties unless there is visible, physical debris that entered the property. Such a rule is scientifically unmoored because a blast-wave from an explosion has just as much ability to cause injury. Further, proving negligence is unnecessary as if a shockwave from a construction yard explosion damages nearby property, the blasting was definitionally negligent.

Separate Opinions

Notes

Wagner v. State

2005 UT 54, 122 P.3d 599 (2005)

Keyword Subject

Negligence, Battery

Facts

The plaintiff (Mrs. Wagner) was standing in line at K-Mart when Mr. Giese, a mentally disabled man who was on a supervised visit to the store as part of his treatment, grabbed her by the head and threw her to the ground.

Procedural History

Trial Court: In favor of Defendant

Appeals: In favor of Defendant

Issue

Does battery require that the defendant intended to harm or offensively contact (dual intent) beyond simply intent to make contact (single intent)?

Holding: No; Previous Ruling Affirmed

Principle

A defendant does not need to intend an action to be harmful in order to be found liable for battery; instead simply requiring an intent to touch the plaintiff

Reasoning

The defendant would not be capable of having an intention of harming the plaintiff, yet the simple act of intending to come into contact with the defendant results in liability

Separate Opinions

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