

# 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

# 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

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