

Reading Assignments for Torts § 6

Professor Tarkington

Below is the reading for the semester. The listed case names are those upon which I intend our class time to focus, although I would still like you to read the other cases in the assigned page range. You should read and ponder the discussion notes following the cases, as they may be discussed in class. The abbreviation CB refers to the Prosser case book. Handouts are bolded and will be distributed in class at least one day prior to discussion thereof.

Class Period	Topic	Reading Assignment
	I-Overview and Introduction to Torts	
1-(M) August 23	Liability—should it be fault based or not?	CB 1-16, <i>Hulle, Weaver, Brown, Cohen, Spano</i>
	II-Intentional Torts	
2-(W) August 24	Intent	CB 17-30, <i>Garratt, Spivey, McGuire, Talmage</i>
3-(Th) August 26	Battery	CB 30-37, <i>Wallace, Fisher</i> , Restatement 2d
4-(M) August 30	Assault False Imprisonment	CB 37-41, <i>I de S, Western Union</i> CB 41-45, <i>Newman, Parvi</i>
5-(W) September 1	False Imprisonment cont'd Intentional Infliction of Emotional Distress	CB 47-51, <i>Enright, Whittaker</i> CB 51-65, <i>Siliznoff, Harris</i>
6-(Th) September 2	Trespass to Land (plus elements for trespass to chattels and conversion)	CB 68-81, <i>Douherty, Herrin, Rogers, CompuServe</i>
(M) September 6	No Class—Labor Day	
	III-Defenses and Privileges	
7-(W) September 8	Consent	CB 92-104, <i>O'Brien, Hackbart, Mohr, DeMay</i>
8-(Th) September 9	Self-Defense and Defense of Others Defense of Property	CB 104-114, Scott (provided as handout) , <i>Katko</i>
9-(M) September 13	Necessity, Authority of Law, Discipline, and Justification	CB 120-132, <i>Surocco, Vincent, Sindle</i>
	IV-Negligence Prima Facie Case A-Duty and the Standard of Care	
10-(W) September 15	Negligence Prima Facie Case The Standard of Care and the Reasonable, Prudent Person	CB 133-35, 150-55, 159-63, <i>Vaughn, Delair, Cordas</i>
11-(Th) September 16	The Reasonable, Prudent Person Continued	CB 163-74, <i>Roberts, Robinson, Breunig</i>
12-(M) September 20	Custom and the Standard of Care for Professionals Medical Malpractice	CB 155-59, 174-83, <i>Trimarco, Heath, Hodges</i> CB 183-87, <i>Boyce</i>
13-(W) September 22	The Standard of Care and Medical Malpractice The Standard of Care and Informed Consent	CB-187-204, <i>Morrison, Scott, Moore</i>
14-(Th) September 23	The Standard of Care and Calculating Reasonable Risk	CB 135-37, 145-50, <i>Blyth, Carroll Towing</i>
15-(M) September 27	Calculating Reasonable Risk Human Life & Suffering Coase Theorem	Coase Theorem handout (available at Link 1 below) Grimshaw handout Ford Pinto materials (available at Link 2 below)
16-(W) September 29	The Role of Judge and Jury in Determining the Standard of Care The Standard of Care and Violation of Statutes	CB 208-212, <i>Pokora</i> CB 212-18, <i>Osborne, Stanchiewicz</i>
17-(Th) September 30	Violation of Statutes Cont'd	CB 224-38, <i>Perry, Martin, Zeni</i>
18-(M) October 4	Proof of Negligence (Circumstantial Evidence and Res Ipsa Loquitor)	CB 238-45 (no need to brief cases on pages 238-45) CB 245-58, <i>Byrne, McDougald, Larson</i> ,

19-(W) October 6	Proof of Negligence cont'd B-Causation 1-Causation in Fact Intro to Causation	CB 258–67, <i>Ybarra, Sullivan</i> CB 268–71, <i>Perkins</i>
20-(Th) October 7	Causation in Fact	CB 271–84, <i>Gentry, Kramer, Herskovits</i>
October 11-15	Fall Break (No Class)	
21-(M) October 18	Causation in Fact cont'd Concurrent Causes	284–295, <i>Daubert, Hill, Anderson,</i>
22-(W) October 20	Causation in Fact: Problems in Determining Who Caused the Harm 2-Proximate Cause Proximate Cause: Unforeseeable Consequences	CB 295–302 <i>Summers, Sindell</i> CB 303-309, <i>Ryan, Bartolone</i>
23-(Th) October 21	Proximate Cause: Remoteness & Directness	CB 310–18, <i>Polemis, Wagon Mound I & Wagon Mound II</i>
24-(M) October 25	Proximate Cause: Foreseeability	CB 319–30, <i>Palsgraf</i> (read carefully the majority and the dissent)
25-(W) October 27	Intervening & Superseding Causes	CB 336–50, 353–56, <i>Derdarian, Watson, Fuller, Wagner Handout</i>
	V-Instances of Limited Duty	
26-(Th) October 28	Failure to Act/Duty to Rescue	Yania v. Bigan Handout CB 431–40, <i>Hegel, Ayres</i>
27-(M) November 1	Failure to Act Continued	CB 440–52, <i>J.S., Tarasoff</i>
28-(W) November 3	Emotional Distress Unborn Children	CB 464-83, <i>LaCroix, Thing, Endresz</i>
	VI-Duties of Owners and Occupiers of Land	
29-(Th) November 4	Trespassers, Licensees, Invitees, Children	CB 500–509, 513–17 <i>Sheehan, Barmore, Campbell</i>
30-(M) November 8	Rejection or Merging of Categories VII-Damages Damages in General and Personal Injury Damages	CB 517–22, <i>Rowland</i> CB 534–39, 546–55, <i>Anderson,</i>
31-(W) November 10	Punitive Damages	CB 566–72–85, <i>Cheatham, State Farm, Baker</i>
	VIII-Defenses to Claims of Negligence	
32-(Th) November 11	Contributory and Comparative Negligence	CB 609–25, <i>Butterfield, Davies, McIntyre</i>
33-(M) November 15	Assumption of the Risk Statutes of Limitations and Repose	CB 625–46, <i>Signeur, Rush, Blackburn, Teeters</i>
34-(W) November 17	Governmental Immunities Notes Regarding FTCA	CB 647, 662–75, 680–85 <i>Clarke, Riss, DeLong</i>
	IX-Vicarious Liability	
35-(Th) November 18	Respondeat Superior and Independent Contractors	CB 688–97, <i>Bussard, O-Shea, Murrell</i>
	X-Strict Liability	
36-(M) November 22	Intro to Strict Liability: Animals	CB 713–26, 729–37, <i>Rylands, American Cyanamid</i> Restatement § 502 Handout
37-(W) November 24	Limitations on strict liability XI-Products Liability Privity of Contract Negligence	CB 737–41, <i>Foster, Golden</i> CB 745–48, 419-26, <i>Winterbottom, Macpherson</i>
November 25-26	No Class—Thanksgiving Break	
40-(M) November 29	Warranties Strict Products Liability	CB 748–66, <i>Baxter, Henningsen, Greenman</i>

38-(W) December 1	Strict Products Liability: Manufacturing Defects, Design Defects, & Warning Defects	CB 766–71, 778–94 <i>Rix, O'Brien, Anderson</i> (Optional: Bring your favorite product warning to class)
39-(Th) December 2	Defenses	CB 799–807 <i>Daly, Ford Motor</i>

Assigned reading found at hyperlinks:

Link 1: <http://law.gsu.edu/wedmundson/Syllabi/Coase.htm>

Link 2: Engineering.com. The Ford Pinto Case. Available at:
<http://www.engineering.com/Library/ArticlesPage/tabid/85/articleType/ArticleView/articleId/166/Ford-Pinto.aspx>