

QUESTION 11 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK IV

The Hawks were playing the Wings in an adult soccer championship game. John Smith was the league leader in goals and played for the Hawks, while Ron Johnson was a renowned "enforcer" on the Wings. The game was tied when Smith, who was dribbling the ball and being closely chased by Johnson, was breaking away from Johnson, bearing in on the Wings goal. Not sure whether he could keep up with Smith, Johnson started bumping into Smith and hitting him with his arm. He was also using his foot to get the ball away from Smith. Smith was getting frustrated with these tactics, but realized he needed to score so kept going. According to some spectators (mostly Hawks fans), Smith quickly turned around towards Johnson, and in doing so, elbowed Johnson in the face. Other spectators (mostly Wings fans) said that Smith yelled an obscenity and then blatantly elbowed Johnson in the face. Either way, Johnson suffered a broken nose and orbital bone.

According to the owner of the soccer complex, We are Soccer, Inc. (WASI), tickets to the game were sold out. The stands were very crowded and held fans for both teams. One of the ticket-holding fans in the stands was Lilith Jones. As the fracas between Smith and Johnson was occurring on the field, Jones (an enthusiastic Hawks fan) leaped out of her seat in a rage, as did John Doe, a fan for the Wings. As the crowd became more restless, the complex manager called the police, hoping they would be present when the unruly crowd dispersed. Before police arrived, Doe could not control his anger anymore and punched Jones in the face. Jones received a concussion, and after the police arrived a few minutes later, she was taken to the hospital.

Johnson wants to sue Smith, and Jones wants to sue the property owner, WASI, both bringing claims for negligence. **Discuss what standard each party must establish, and whether either plaintiff can successfully establish all the elements of their respective claim. Explain your answer.**

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