

When a tire of a motorist's car suffered a blowout, the car rolled over and the motorist was badly injured. Vehicles made by the manufacturer of the motorist's car have been found to be negligently designed, making them dangerously prone to rolling over when they suffer blowouts. A truck driver who was driving behind the motorist when the accident occurred stopped to help. Rescue vehicles promptly arrived, and the truck driver walked along the side of the road to return to his truck. As he approached his truck, he was struck and injured by a speeding car. The truck driver has sued the manufacturer of the injured motorist's car.

Is the truck driver likely to prevail in a suit against the car manufacturer?

- A. No, because the car manufacturer's negligence was not the proximate cause of the truck driver's injuries.
- B. No, because the truck driver assumed the risk of injury when he undertook to help the motorist.
- C. Yes, because it is foreseeable that injuries can result from rollovers.
- D. Yes, because the car manufacturer's negligence caused the dangerous situation that invited the rescue by the truck driver.

### Explanation:

In a **negligence** suit, the plaintiff must prove actual and **proximate cause**. Proximate cause is satisfied when the plaintiff's harm was a **foreseeable consequence** of the defendant's negligence. And when a defendant negligently endangers him/herself or others, the law deems it foreseeable that someone will be injured in a rescue attempt. As a result, a plaintiff can recover for negligence under the **rescue doctrine** if:

the plaintiff was **injured while attempting to rescue** another *and* that person's **peril was caused by the defendant's negligence**.

Here, the motorist was badly injured when his car suffered a blowout and rolled over. The car manufacturer's negligent design made the car dangerously prone to this type of accident—thereby causing the motorist's peril and inviting rescue by another. The truck driver, who had stopped to help the motorist, was then struck and injured by a speeding car. Since injury to rescuers is sufficiently foreseeable to satisfy proximate cause, the truck driver will likely prevail in a suit against the manufacturer **(Choice A)**.

**(Choice B)** A rescuer does not **assume the risk** of injury by undertaking a rescue attempt unless he/she (1) knew the rescue attempt was dangerous and (2) could have proceeded in a reasonable alternative manner. Here, there is no indication that the truck driver had a reasonable alternative. And even if he did, this would merely reduce (not bar) his recovery in most jurisdictions.

**(Choice C)** Although it is foreseeable that injuries can result from rollovers, the truck driver cannot prevail unless he also shows that the defendant's negligence caused the motorist's peril.

### Educational objective:

Injuries to rescuers are sufficiently foreseeable to satisfy proximate cause. As a result, a rescuer can recover for negligence if (1) he/she was injured while attempting to rescue another and (2) that person's peril was caused by the defendant's negligence.

### References

Restatement (Second) of Torts § 294 (Am. Law Inst. 1965) (explaining that a defendant's conduct may be negligent to a potential rescuer even though that conduct poses no direct risk to the rescuer).

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**Actual & proximate causation**  
(rescue doctrine)

