

A patient in a hospital was placed in a wheelchair with his broken leg extended straight out in front of him. As a nurse employed by the hospital was pushing the wheelchair through a set of automatic doors at a normal pace, the doors closed on the patient's foot, injuring it. The nurse attempted to pull the wheelchair back through the doors. This action caused the doors to close more tightly on the patient's foot, injuring it further.

The patient sued the hospital, alleging improper maintenance of the doors. The patient has produced no evidence of specific conduct or neglect on the part of the hospital that would have caused the automatic doors to malfunction. The hospital has moved for summary judgment.

Should the court grant the hospital's motion?

- A. No, because a jury could find that there was a latent defect in the doors.
- B. No, because a jury could find the hospital liable for negligence based on *res ipsa loquitur*.
- C. Yes, because proof of an accident, by itself, does not establish that an injured person was a victim of negligence.
- D. Yes, because the nurse's action was a superseding cause of the injury.

## Explanation:

### Negligence doctrines

	Applicability	Effect
<b>Res ipsa loquitur</b>	Plaintiff suffered type of harm usually caused by someone in defendant's position Evidence eliminates other potential causes of harm	<i>Permissible inference</i> that defendant was negligent
<b>Negligence per se</b>	Defendant violated statute Statute was intended to prevent plaintiff's type of harm Plaintiff is within class of persons statute was intended to protect	<i>Rebuttable presumption</i> that defendant was negligent

Lawsuits alleging improper maintenance of equipment are often based on negligence, which generally requires direct evidence that the defendant was negligent. But in the absence of such evidence, the doctrine of **res ipsa loquitur** allows the fact finder (eg, jury) to **infer** that the **defendant was negligent** if:

the plaintiff suffered a **type of harm** that is **usually caused by negligence** of someone in the defendant's position *and*

the evidence tends to **eliminate other potential causes** of that harm.

Here, the hospital's automatic doors closed on the patient's foot, injuring it. Although there is no direct evidence of the hospital's negligence, automatic doors should not malfunction when properly maintained. And though the nurse's action caused the doors to close more tightly on the patient's foot, injuring it further, the nurse was pushing his wheelchair at a normal pace when the initial injury occurred—eliminating other potential causes of harm. Therefore, a jury could infer the hospital's negligence, and the court should deny its motion for summary judgment.

**(Choice A)** Product defects can also be inferred under the doctrine of **res ipsa loquitur**. But that inference is inappropriate here since (1) the patient sued the hospital—not a seller of automatic doors—and (2) the patient alleged improper maintenance—not a latent defect.

**(Choice C)** Proof of an accident, by itself, does not establish that an injured person was a victim of negligence. But here, the hospital's negligence can be inferred from the nature and circumstances of the patient's accident.

**(Choice D)** The nurse's action was *not* a **superseding cause** of the patient's injury since it was foreseeable that a nurse would (1) push patients in wheelchairs through the hospital's doors and (2) attempt to help a patient who had been injured by a hospital door.

**Educational objective:**

Negligence can be inferred under the doctrine of *res ipsa loquitur* if (1) the plaintiff suffered a type of harm that is usually caused by negligence of someone in the defendant's position and (2) the evidence tends to eliminate other potential causes of that harm.

**References**

Restatement (Second) of Torts § 328D (Am. Law Inst. 1965) (explaining when a defendant's negligence can be inferred based on the type of accident that injured the plaintiff).

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