KERN COUNTY COLLEGE OF LAW

TORTS

MIDTERM EXAMINATION

FALL 2025

Professor L. Peake

General Instructions:
Answer Three (3) Essay Questions
Total Time Allotted: Three (3) Hours

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QUESTION #1

Classmates Jennifer and Lara decided to play a joke on fellow classmates Jessica and Monica by bringing in a green plastic squirt gun filled with water into class. Upon arriving, Lara pointed the gun at Jennifer, then turned and pointed the gun at Jessica, then pointed the gun at Monica and pulled the trigger, missing Monica but squirting Jessica's blouse. Neither Jessica nor Monica could see that the pistol in Lara's hand was green or plastic.

Discuss.

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KCCL Torts Midterm

Fall 2025

Prof. L. Peake

QUESTION #2

Christina and Alexis were walking next to each other up the stairs to class, followed closely from behind by Ignacio and Sulema. Ignacio, in a hurry not to be late, unknowingly bumped Christina into Alexis, which knocked Alexis down onto Alexis' right shoulder. Sulema tried to help Alexis up, but Alexis slipped from Sulema's grip resulting in Alexis falling again, this time onto her left shoulder.

Discuss.

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KCCL Torts Midterm

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QUESTION #3

Five law students at the intersection of 18th and Eye Streets were heading for class, with Natily, in a hurry to get to class, driving her car eastbound on 18th Street through a red light; Uriel driving a borrowed car southbound on Eye Street through a green light; Monica jaywalking southbound against a "Don't Walk" sign in the east crosswalk across 18th Street; Elena lawfully walking in the south crosswalk eastbound across Eye Street; and Edward unlawfully jaywalking outside the south crosswalk eastbound across Eye Street. Uriel's car struck the car Natily was driving, the impact pushing Natily's car to the right, striking Monica. The impact with Natily's car pushed Uriel's vehicle into both Elena and Edward. Uriel was not injured.

Discuss.

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1) 85

Lara v. Jennifer

Prime facie (on its face) Assault

Assault is to place the plaintiff in reasonable apprehension of imminent fear of dangerous or offensive contact.

Here Lara and Jennifer decided to play a joke on fellow classmates and brought a green squirt gun filled with water to class. Upon walking into class Lara pointed the gun at Jennifer, but because Jennifer was aware of the jest as the essence of the gun pointing she was not put in fear of apprehension or fear or imminent harm with the knowledge that the gun was a toy filled with merely water.

On the other hand, Jennifer could argue that she was not intended to be on the receiving end of the joke and was in fear of getting her blouse squirted and felt apprehension whilst Lara was pointing the gun at her. Because Jennifer knew of the joke and knew the contents were not going to damage her clothing or harm her it is not likely this argument would be very strong.

It is more likely than not here that Jennifer would not be able to recover for the assault claim against Lara because the fact pattern does not infer or state that Jennifer was in fear or apprehension or believed that the contact would be anything less that a joke and not offensive contact.

Lara v Jessica

Assault

Assault is to place the plaintiff in reasonable apprehension of imminent fear of dangerous or offensive contact.

Here Lara willingly brought a green toy plastic gun to class filled with water with the intent to place classmates in fear of imminent harm or offensive contact by squirting water on them. Even with this act being a joke it is reasonable to assume that a person with a gun facing them, whether it was a squirt gun or an actual gun, would place the victim in fear of imminent fear that a projectile of some sort would be careening towards them if the person holding the gun should decide to pull the trigger. In this instance, Jessica had not been able to see if the gun Lara had in her hand was real or fake.

This is likely a strong argument for purposefully and willfully placing a classmate in fear, thus establishing requirements for assault.

On the other hand, Lara could act that the gun was clearly green and plastic and one could reasonably draw the conclusion that the act was a mere joke, even with that being the case, Lara still intended to cause apprehension on Jessica's part and the argument of the joke is not strong because the Jessica had no idea of the true nature of Lara's weapon of choice for her shenanigans.

It is more likely than not that Lara will be held liable for placing Jessica in fear of danger for a gun being pointed at her in her school, where she would not reasonably believe a person would play a prank to that accord in a classroom setting.

Battery

Battery is the intent to cause harmful and offensive contact and the contact actually happens. No actual harm has to occur, touching suffices.

Here Lara did not intent to cause harm to Jessica's blouse by squeezing the trigger on the toy gun whilst pointing the receiving end at Monica, but the intent to cause the water to hit a person was in place the moment Lara pulled the trigger, Jessica being a bystander is irrelevant. The harm and damages fell upon Jessica from the moment the water touched her blouse.

On the other hand, Lara could argue that there was no actual harm that befell Jessica's blouse because the substance was merely water. Because the fact pattern does not describe Jessica's type of shirt there is no way to be certain that her shirt was ruined by the water, but the fact remains that water, that Jessica (a reasonably prudent person), did not want, induce, incite or entice to make contact with her still made contact. Thus the elements appear to have been met for the claim against Lara on Jessica's behalf.

It is more likely that not that Lara will be held liable for batter against Jessica.

Transferred Intent in Batter Claim From Lara To Jessica

Transferred intent is the doctrine that discusses even if defendant intended to cause harm or apprehension to a different person if another person is harmed in the process they are still liable for the damage caused.

Here, Lara intended to shoot Monica, but was a poor shot and actually completed her intentional act on Jessica, another unwilling participant in the jest that was taking place. The intent for the harm was foreseeable because Lara intended to cause the harm to another, which the intent follows the projectile. In this case the projectile is water.

On the other hand Lara could argue that she merely intended to shoot the water in the direction and not actually make contact with either person, thus, in theory negating the intent aspect of transferred intent, This argument is likely not strong enough because event if Lara states that she did not intent to have the water land on either party she still shot the water in a room filled with people of close proximity while contemporaneously facing the direction of at least two of the people in the room. A reasonably prudent person would likely know or should have known that the water would foreseeable impact another occupant of the room.

It is more likely than not that Lara will be liable for the transfered intent aspect for the battery case due to her negligence of firing the gun close to Jessica.

Negligence

Negligence requires, duty, breach, causation (actual proximate cause), damages

Duty is the standard of care that any reasonable person has to another.

Here Lara had a duty of care that any reasonable person would have in the same or similar circumstance.

Breach is when a defendant has a duty of care owed the plaintiff but fails to meet those requirements.

Here, Lara failed to meet the standard of care that any reasonable prudent person would have, she fell short of the standard. Because she squirted the gun with water projectile inside in a room where other are present.

Causation-

Actual cause is the but for cause- meaning that had it not been but for the defendants conduct the plaintiff would not have been injured or received damages.

NEGLIGENCE Here Lara, defendant, but for, if she had not pulled the trigger and squirted Jessica there would be no damage to the shirt.

Proximate cause is the narrow liability of foreseeable with no superseding intervening cause. The defendants behavior or conduct was narrowly foreseeable to have the outcome of the act.

Here it could be argued that any reasonably prudent person would know, or should have known, that foreseeable squirting a squirt gun in a crowded school room which are a small confined area that any person could possibly be it with the contents of the squirt gun.

Damages is the actual damages that the plaintiff incurred that are legally cognizable.

Here the damages are to Jessica's shirt. The water was squirted onto Jessica's shirt, her legally cognizable damages could be that she needs to take the shirt to the dry cleaners because of the type of blouse it is. It does not discuss in the fact pattern what type of blouse Jessica was wearing, but it could be inferred or reasonably expected that she may have to dry clean her shirt, thus causing legally cognizable damages.

It is likely that Lara would be held liable for negligence because she failed to take into account or behave in a manner

that would be reasonable and prudent, being both the actual and proximate cause of the damage, and ultimately causing damages by her actions.

Lara v. Monica

Assault

defined supra (identical issue with Jessica)

Analysis identical to Jessica assault.

Conclusion identical with Jessica assault

DEFENCES?

CONSENT - AN ELEMENT

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2)

Christina v. Ignacio

Prime facie (on its face) Assault

Assault is to place the plaintiff in reasonable apprehension of imminent fear of dangerous or offensive contact.

Here Ignacio was behind Alexis and Christina in the stairwell. Because Christina had her back to Ignacio and was not placed in immediate apprehension or fear of dangerous or offensive conduct it is likely this element is not met in this fact pattern.

Battery

Battery is the intent to cause harmful and offensive contact and the contact actually happens. No actual harm has to occur, touching suffices. CACI 1300

Here Ignacio was rushing behind Christina in the stair well and unintentionally bumped into here. Because the act was not intentional and a genuine accident it is unlikely that Christina will be able to recover for damages from battery.

On the other hand Christina could argue that even with no intent he still made unwanted contact with her body, the touching still occurred. This argument would be difficult for the triers of fact to back because there was no initial intent or ill-will for harm.

It is likely he will not be held liable for battery because there was no intent, and that negates an intentional tort liability.

Negligence

Negligence requires, duty, breach, causation (actual proximate cause), damages

Duty is the standard of care that any reasonable person has to another.

Here Ignacio had a duty of care that any reasonable person would have in the same or similar circumstance. Rushing or making any haste on a stairwell is dangerous.

On the other hand, it could be argued that any person in his perspective would likely want to rush to not be late to class. There for any prudent person could be responsible for this conduct.

It is unlikely this argument will hold up because he was careless in his haste and caused harm.

Breach is when a defendant has a duty of care owed the plaintiff but fails to meet those requirements.

Here, Ignacio failed to meet the standard of care that any reasonable prudent person would have, he fell short of the standard, by foregoing safety responsibilities in the stairwell.

Ignacio could argue that the standard of care should not apply from classmate to classmate, this is an unlikely winnable argument because each person owe a reasonable standard of care to everyone to not cause harm.

For this reason it is likely that Ignacio will be found liable for breach because he fell below the standard of care for any reasonable person.

Causation-

Actual cause is the but for cause- meaning that had it not been but for the defendants conduct the plaintiff would not have been injured or received damages.

Here Ignacio, defendant, but for, if he had not rushed and misstep thus knocking into Christina there would be no harm.

Ignacio could argue that there was no harm to Christina, because she did not fall and the fact pattern does not specifically state any harm.

It is likely that Ignacio will prevail in this instance.

Proximate cause is the narrow liability of foreseeable with no superseding intervening cause. The defendants behavior or conduct was narrowly foreseeable to have the outcome of the act.

Here it could be argued that any reasonably prudent person would know, or should have known, that foreseeable rushing in a stair well without minding common sense safety etiquette within that an accident could befall nearby potential plaintiffs

Ignacio could ague that his behavior of rushing was not the cause, but the superseding intervening cause was that of the stairs themselves, he could ague that possibly it was difficult to see or

maintaining proper stepping patterns because there were others in the stair well at the time distracting him from his focus of stepping on each step properly.

This is an unlikely SUCCESSFUL argument, because it appears to be convoluted and a common sense argument would be that every person should know or reasonably know that rushing on stairs is a dangerous act in itself.

Damages is ARE the actual damages that the plaintiff incurred that are legally cognizable.

Here the damages are possibly minimal because they are none discussed in the fact pattern, thus not causing legally cognizable damages.

It is likely that Ignacio would be not be held liable for negligence because not every element was properly met to suffice or warrant negligence.

Ignacio v. Alexis

Assault

Assault is to place the plaintiff in reasonable apprehension of imminent fear of dangerous or offensive contact.

Here Ignacio was behind Alexis and Christina in the stairwell. Because Alexis had her back to Ignacio and was not placed in immediate apprehension or fear of dangerous or offensive conduct it is likely this element is not met in this fact pattern

Battery with transferred intent

Battery

Batter is the intent to cause harmful and offensive contact and the contact actually happens. No actual harm has to occur, touching suffices.

Here Ignacio was rushing behind Alexis in the stair well and unintentionally bumped into Christina, thus Christina reflexively bumping into Alexis.There was no intent for the first touching and because the act was not intentional and a genuine accident it is unlikely that Alexis will be able to recover for damages from battery.

Transferred Intent in Battery Ignacio v. Alexis

Transferred intent is the doctrine that discusses even if defendant intended to cause harm or apprehension to a different person if another person is harmed in the process they are still liable for the damage caused.

Here, there is no intent mention or even inferred to in the fact pattern, Ignacio accidentally cause the bumping my a bumbling with his foot steps on the stairs.

It is likely that there will be no transferred intent against Ignacio, because there was no initial intent.

Negligence

Negligence requires, duty, breach, causation (actual proximate cause), damages

Duty is the standard of care that any reasonable person has to another.

Here Ignacio had a duty of care that any reasonable person would have in the same or similar circumstance. Rushing or making any haste on a stairwell is dangerous.

On the other hand, it could be argued that any person in his perspective would likely want to rush to not be late to class. There for any prudent person could be responsible for this conduct.

It is unlikely this argument will hold up because he was careless in his haste and caused harm.

Breach is when a defendant has a duty of care owed the plaintiff but fails to meet those requirements.

Here, Ignacio failed to meet the standard of care that any reasonable prudent person would have, he fell short of the standard, by foregoing safety responsibilities in the stairwell.

Ignacio could argue that the standard of care should not apply from classmate to classmate, this is an unlikely winnable argument because each person owe a reasonable standard of care to everyone to not cause harm. SPECIAL DUTY?

For this reason it is likely that Ignacio will be found liable for breach because he fell below the standard of care for any reasonable person.

Causation-

Actual cause is the but for cause- meaning that had it not been but for the defendants conduct the plaintiff would not have been injured or received damages.

Here Ignacio, defendant, but for, if he had not rushed and misstep thus knocking into Christina there would be no harm Alexis. But he did rush and fell into Christina who then fell onto Alexis who fell onto her right shoulder.

Ignacio could argue that Christina was the harm, because he did not touch Alexis.

It is likely that Ignacio will not prevail in this instance.

Proximate cause is the narrow liability of foreseeable with no superseding intervening cause. The defendants behavior or conduct was narrowly foreseeable to have the outcome of the act.

Here it could be argued that any reasonably prudent person would know, or should have known, that foreseeable rushing in a stair well without minding common sense safety etiquette within that an accident could befall nearby potential plaintiffs, even through bumping one who could foreseeablly bump onto the person near her on the stair well.

Ignacio could ague that his behavior of rushing was not the cause, but the superseding intervening cause was that of the stairs themselves, he could ague that possibly it was difficult to see or maintaining proper stepping patterns because there were others in the stair well at the time distracting him from his focus of stepping on each step properly.

This is an unlikely argument, because it appears to be convoluted and a common sense argument would be that every person should know or reasonably know that rushing on stairs is a dangerous act in itself.

Damages is the actual damages that the plaintiff incurred that are legally cognizable.

Here the damages are not minimal because Alexis fell on her right shoulder so hard she needed assistance in order to stand up. It is foreseeable that falling on stairs that are constructed to be hard and withstand multiple people walking on them daily and sturdy enough to maintain themselves during an emergency long enough for a multitudinous amount of people to vacate during a fire, it is foreseeable it would cause pain or damage to a human body's shoulder, which is an area of the body that does not traditionally have fat cushioning to soften impact, thus causing legally cognizable damages.

Ignacio could argue that the damages were minimal and do not require going legally cognizable issues, this argument is a poor likelihood of success due to Alexis requiring assistance in getting back up.

It is likely that Ignacio would be held liable for negligence because every element was properly met to suffice or warrant negligence.

Rescuer Doctrine Ignacio v. Alexis

There is no duty for a person the rescue another, unless the person was the precipitating cause of the victims peril.

Here when Ignacio bumped into Christina and she knocked over Alexis and she fell to the ground Ignacio was the cause to Alexis' peril. He had a duty to assist her up after she fell to the ground. He did not assist in helping her up in any fashion. He should have been the one to jump in and help her up because of his hasten actions she was injured.

On the other hand Ignacio could argue that Christina was the person who knocked Alexis to the ground therefore he had no duty to help her up, and was justifiable in not attempting to aid her. This argument would be difficult to convince a jury of because Ignacio was the tortfeasor, thus the actual and proximate cause to Alexis falling and her injury therefore a jury would be more inclined to have Ignacio aid his unintended victim.

It is likely that Ignacio would be held liable for failing to assist Alexis in her time of need due to his cause of her peril.

Alexis v. Christina

Battery

Batter is the intent to cause harmful and offensive contact and the contact actually happens. No actual harm has to occur, touching suffices.

Here Christina was bumped then immediately fell into Alexis causing unwanted harmful and offensive touching, because directly from the touching Alexis fell and was harmed on her right shoulder. The elements indicate that there needs to be intent for this intentional tort and in this case Christina lacked that aspect.

On the other hand Alexis could argue that instead of bumping directly into Alexis causing her to fall Christina could have leaned towards either side once she felt the touching and used the guard rail to catch her, but Christina failed to do those things, then caused the harmful touch to Alexis. This argument is likely to not be successful because the triers of fact would not that it was a reflex action from a force that took Christina by surprise and not giving her much reaction time, and one could infer if Christina was going to a class, with a classmate, she would likely be carrying books and have a backpack or some sort of book bag impeding her ability to maneuver with agility.

For this reason it is likely that Christina would not be found liable for the intentional tort of battery because she lacked the element of intent.

Rescuer Doctrine Christina v. Alexis

There is no duty for a person the rescue another, unless the person was the precipitating cause of the victims peril.

WAIT - EVEN IF CHRISTINA WAS FAULT FREE??

Here when Ignacio bumped into Christina and she knocked over Alexis and she fell to the ground Christina was also the cause to Alexis' peril. She had a duty to assist her up after she fell to the ground. She did not assist in helping her up in any fashion. She should have been the first one to jump in and help her friend up because of the contact she made with her that pushed her down, thus causing the injury.

On the other hand Christina could argue that Ignacio was the precipitating person who bumped Christina, then knocked Alexis to the ground therefore she had no duty to help her up, and was justifiable in not attempting to aid her. This argument would be difficult to convince a jury of because Christina was the actual force that drove Alexis to the ground, thus the actual and proximate cause to Alexis falling and her injury therefore a jury would be more inclined to have Christina aid her victim.

It is likely that Christina would be held liable for failing to assist Alexis in her time of need due to her cause of her peril.

Alexis v. Sulema

Rescuer Doctrine Alexis v. Sulema

There is no duty for a person the rescue another, unless the person was the precipitating cause of the victims peril.

Here Sulema did not have a duty to rescue Alexis, she could have kept walking up the stairs and not attempted aid or assisted in any fashion and she would not be held liable for not assisting.

Negligence Sulema (rescuer) v. Alexis

Negligence requires, duty, breach, causation (actual proximate cause), damages. For a rescuer once the commencement of rescuing has begun there is a duty to the victim and must be cared for the duration of the rescue. ? NOT MEANS VICTIM IN A WORSE POSITION?

Duty is the standard of care that any reasonable person has to another.

Here, Sulema had a duty of care that any reasonable person would have in the same or similar circumstance. Because she initiated assistance she was reasonably responsible for proper aid and care Sulema deserved.

On the other hand, it could be argued that any person in her perspective would likely want to aid someone who fell, especially because of the proximity of the stairs in the small area. There for any prudent person could be responsible for this conduct, with the exception that Sulema was unable to properly hold on to Alexis and Sulema should have reasonably known her own physical capabilities. To whether or not she could actually physically assist or if her incapable assistance could foreseeable cause more harm.

It is unlikely this argument will hold up because she was careless when she dropped Alexis causing more injury to the other shoulder..

Breach is when a defendant has a duty of care owed the plaintiff but fails to meet those requirements.

Here, Sulema failed to meet the standard of care that any reasonable prudent person would have, she fell short of the standard, by foregoing safety responsibilities in the stairwell and knowing her own physical capabilities or downfalls.

Sulema could argue that the standard of care should not apply from classmate to classmate and she had no duty to assist because she was not the cause to the peril, she assisted out of the goodness of her heart. This is an unlikely winnable argument because each person owe a reasonable standard of care to everyone to not cause harm and she could have known her help would not be adequate.

For this reason it is likely that Sulema will be found liable for breach because she fell below the standard of care for any reasonable person.

Causation-

Actual cause is the but for cause- meaning that had it not been but for the defendants conduct the plaintiff would not have been injured or received damages.

Here Sulema. defendant, but for, if she had not attempted to assist where she should have known her physical capabilities were inadequate there would be no harm Alexis. But she did and Alexis fell again, onto her right shoulder. Causing more damage.

Sulema could argue that Christina was the harm, because she did not initiate the fall of Alexis and Christina and Ignacio should have assisted in helping her up. Had they assisted then possibly there would be no extra harm to Alexis.

It is likely that Ignacio will not prevail in this instance. ISSUE IS SULEMA'S POTENTIAL LIABILITY TO ALEXIS.

Proximate cause is the narrow liability of foreseeable with no superseding intervening cause. The defendants behavior or conduct was narrowly foreseeable to have the outcome of the act.

Here it could be argued that any reasonably prudent person would know, or should have known, that foreseeable picking up someone with school bags, books, and such in a stairwell would be difficult if they were not physically apt to in a stair well without minding common sense safety etiquette within that an accident could befall another potential accident. Such as the secondary falling and causing of more harm to Alexis which was foreseeable under the circumstances.

Sulema could ague that her behavior was not the cause because she accidentally let Alexis slip from her grip, she did not intent to let her slip because that would have been a foreseeable cause to her as well.

This is an unlikely argument, because it appears that common sense would overtake the triers of fact Sulema should know or reasonably know that her help was more of a hindrance prior to commencement. ATTEMPT TO FORESEEABLE LIKELY TO LEAVE ALEXIS IN A WORSE POSITION

Damages is the actual damages that the plaintiff incurred that are legally cognizable.

Here the damages are not minimal because Alexis fell on her right shoulder so hard she needed assistance in order to stand up. Then once Sulema let her slip through her hands fell once more causing more damage to the another body part. It is foreseeable that falling on stairs that are constructed to be hard and withstand multiple people walking on them daily and sturdy enough to maintain themselves during an emergency long enough for a multitudinous amount of people to vacate during a fire, it is foreseeable it would cause pain or damage to a human body's shoulder, which is an area of the body that does not traditionally have fat cushioning to soften impact, thus causing legally cognizable damages.

Sulema could argue that the damages were minimal and do not require going legally cognizable issues, this argument is a poor likelihood of success due to Alexis requiring assistance in getting back up twice (inferred). She now has pain to both shoulders and that would make it difficult to stand up with the school belongs strapped to her and fallen around her, or still possibly in her arms.

It is likely that Sulema would be held liable for negligence because every element was properly met to suffice or warrant negligence.

ALLOCATION OF INJURIES' LIABILITY; IGNACIO LIABLE FOR LEFT SHOULDER AS WELL AS RIGHT?

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3)

Uriel v. Natily

Negligence

Will Natily be negligently liable to Uriel?

Negligence: To establish negligence, the following must be met: 1.) the defendant owed a duty of care, 2.) the defendant breached the duty of care, 3.) the breach of the duty of care was the actual and/or proximate cause of that harm, and 4.) the plaintiff suffered damages.

Duty

When a defendant engages in an activity, they are imposed a legal standard to act as a reasonably prudent person under same or similar circumstances. It is presumed that the reasonably prudent person will take precautions to prevent a risk of injury to others under the same or similar circumstances.

Additionally, the damages inflicted by Natily should have been foreseeable within the zone of danger, and/or played a substantial factor.

Within this case, Natily engaged in the activity of driving to class, and was in a hurry so as not to be late that she ran a red light. Given these facts, Natily violated a safety statute by running the red light, which is ultimately created to protect a class of persons and/or ensure that the safety statute does what it was formed to do. As a result, Natily did not engage in the duty of a reasonably prudent person, as a reasonably prudent person in the same or similar circumstances would not be rushing or running red lights. As such, Natily failed to prevent a risk of injury to others, and subsequently caused a collision with Uriel, who was within the zone of danger.

Breach

In order to establish a breach of duty, the plaintiff must demonstrate that the defendant's actions were not those of a reasonably prudent person under same or similar circumstances, and/or that the defendant failed to take an action that a reasonably prudent person would take.

Within this case, Natily clearly breached her duty of care as a reasonably prudent person under same or similar circumstances and failed to take appropriate action as would a reasonably prudent

person. Instead, she negligently ran the red light, violated a safety statute, and caused a collision with Uriel's vehicle. Given this, Natily has effectively breached her duty of care.

Actual Cause

Actual Cause: To prove a defendant's negligent acts were the cause of the harm, the plaintiff must prove that the harm wouldn't have occurred "but for" the defendant's negligent conduct.

Within this case, it can be argued that "but for" Natily's negligent conduct or running the red light, and violating a safety statute, she wouldn't have caused a collision with Uriel.

It's likely that Natily's counsel will attempt to argue that Natily had the right of way, and Uriel was the cause of the collision. However, Uriel's counsel can overcome this by alleging the status of the lights at the time that the collision occurred. TO CREATE A PRESUMPTION OF FAULT

All in all, it's evident IT WOULD APPEAR that an actual cause is present.

Proximate Cause

Proximate Cause: A plaintiff must prove that each item of harm flows from the original negligent acts of the defendant in a foreseeable manner.

Within this case, it can be argued that it was foreseeable that Natily running the red light, would eventually lead to a collision with another vehicle, which will be foreseeable to any reasonable person. As such, Natily's negligent conduct was a proximate cause of the incident.

It's likely that Natily's counsel will argue that her conduct was not foreseeable as they try to allege that she had the right of way and Uriel was the one that caused the collision. However, Natily ran a red light, therefore, causing the collision.

All in all, it's evident that a proximate cause is present

Damages

All in all, Natily is negligently liable to Uriel for the collision, and he will be able to recover any damages. - UNINJURED + DRIVING BORROWED CAR, SO NO DAMAGES

Negligence Per Se GOES TO ESTABLISH BREACH ELEMENT

Given that Natily violated a safety statute by running a red light, negligence per se is established. In particular, negligence per se is formed to protect a class of persons and ensure that the safety statute is designed to ensure safety for what it intended to secure. In this case, it's clear that Natily violated a safety statute by running the red light, and subsequently getting into a collision with Uriel.

Monica v. Natily

Negligence

Will Natily be negligently liable to Monica?

Negligence: To establish negligence, the following must be met: 1.) the defendant owed a duty of care, 2.) the defendant breached the duty of care, 3.) the breach of the duty of care was the actual and/or proximate cause of that harm, and 4.) the plaintiff suffered damages.

Duty

When a defendant engages in an activity, they are imposed a legal standard to act as a reasonably prudent person under same or similar circumstances. It is presumed that the reasonably prudent person will take precautions to prevent a risk of injury to others under the same or similar circumstances.

Additionally, the damages inflicted by Natily should have been foreseeable within the zone of danger, and/or played a substantial factor.

Within this case, Natily engaged in the activity of driving to class, and was in a hurry so as not to be late that she ran a red light. Given these facts, Natily violated a safety statute by running the red light, which is ultimately created to protect a class of persons and/or ensure that the safety statute does what it was formed to do. As a result, Natily did not engage in the duty of a reasonably prudent person, as a reasonably prudent person in the same or similar circumstances would not be rushing or running red lights. As such, Natily failed to prevent a risk of injury to others, and subsequently caused a collision that caused Natily's car to strike Monica.

Breach

In order to establish a breach of duty, the plaintiff must demonstrate that the defendant's actions were not those of a reasonably prudent person under same or similar circumstances, and/or that the defendant failed to take an action that a reasonably prudent person would take.

Within this case, Natily clearly breached her duty of care as a reasonably prudent person under same or similar circumstances and failed to take appropriate action as would a reasonably prudent person. Instead, she negligently ran the red light, violated a safety statute, and caused a collision that struck Monica as a pedestrian. Given this, Natily has effectively breached her duty of care.

Actual Cause

Actual Cause: To prove a defendant's negligent acts were the cause of the harm, the plaintiff must prove that the harm wouldn't have occurred "but for" the defendant's negligent conduct.

Within this case, it can be argued that "but for" Natily's negligent conduct of running the red light, and violating a safety statute, her car wouldn't have struck Monica.

It's likely that Natily's counsel will attempt to shift partial liability onto Uriel as without Uriel's car, then Natily's car wouldn't have been pushed so as to strike Monica as a pedestrian.

All in all, it's evident that an actual cause is present.

Proximate Cause

Proximate Cause: A plaintiff must prove that each item of harm flows from the original negligent acts of the defendant in a foreseeable manner.

Within this case, it can be argued that it was foreseeable that Natily running the red light, would eventually lead to a collision with another vehicle and/or pedestrian, which will be foreseeable to any reasonable person. As such, Natily's negligent conduct was a proximate cause of the incident.

It's likely that Natily's counsel will argue that her car being pushed was not foreseeable as they try to shift some liability onto Uriel for the collision and/or impact.

All in all, it's evident that a proximate cause is present

Damages

All in all, Natily is negligently liable to Monica, and will be able to recover damages.

Negligence Per Se

Given that Natily violated a safety statute by running a red light, negligence per se is established. In particular, negligence per se is formed to protect a class of persons and ensure that the safety statute is designed to ensure safety for what it intended to secure. In this case, it's clear that Natily violated a safety statute by running the red light, and subsequently getting into a collision with Uriel, and leading her car to strike Monica.

Defenses

Contributory Negligence

Contributory Negligence bars any plaintiff from recovering damages if they negligently contributed to the accident and/or injuries sustained from the accident.

Within this case, Natily can allege that Monica was jaywalking southbound crossing against a "Don't Walk Sign," which contributed to the collision and/or injuries sustained by Monica. As such, if Natily's counsel is able to assert contributory negligence then Monica may be barred from any recovery.

PRESUMPTION OF NEGL. BY MONICA; HOWEVER, WAS IT AN ACTUAL OR PROXIMATE CAUSE OF HARM TO MONICA?

Assumption of Risk

Assumption of Risk prevents recovery when the plaintiff voluntarily and/or knowingly expose themselves to the danger and/or risk of injury.

Within this case, Natily can argue that Monica knowingly and/or voluntarily jaywalked southbound exposing herself to the danger and/or risk when Natily's car was pushed and hit Monica. As such, if Natily's counsel is able to assert assumption of risk then Monica's recovery may be impacted.

Overall, Natily is negligently liable to Monica.

IMPLIED AOR?, ACTUAL + PROX. CAUSE OF HARM TO MONICA?

Elena v. Natily

Negligence

Will Natily be negligently liable to Elena?

Negligence: To establish negligence, the following must be met: 1.) the defendant owed a duty of care, 2.) the defendant breached the duty of care, 3.) the breach of the duty of care was the actual and/or proximate cause of that harm, and 4.) the plaintiff suffered damages.

Duty

When a defendant engages in an activity, they are imposed a legal standard to act as a reasonably prudent person under same or similar circumstances. It is presumed that the reasonably prudent person will take precautions to prevent a risk of injury to others under the same or similar circumstances.

Additionally, the damages inflicted by Natily should have been foreseeable within the zone of danger, and/or played a substantial factor.

Within this case, Natily engaged in the activity of driving to class, and was in a hurry so as not to be late that she ran a red light. Given these facts, Natily violated a safety statute by running the red light, which is ultimately created to protect a class of persons and/or ensure that the safety statute does what it was formed to do. As a result, Natily did not engage in the duty of a reasonably prudent person, as a reasonably prudent person in the same or similar circumstances would not be rushing or running red lights. As such, Natily failed to prevent a risk of injury to others, and subsequently caused a collision that caused Uriel's car to strike Elena.

Breach

In order to establish a breach of duty, the plaintiff must demonstrate that the defendant's actions were not those of a reasonably prudent person under same or similar circumstances, and/or that the defendant failed to take an action that a reasonably prudent person would take.

Within this case, Natily clearly breached her duty of care as a reasonably prudent person under same or similar circumstances and failed to take appropriate action as would a reasonably prudent person. Instead, she negligently ran the red light, violated a safety statute, and caused a collision that struck Elena as a pedestrian. Given this, Natily has effectively breached her duty of care.

Actual Cause

Actual Cause: To prove a defendant's negligent acts were the cause of the harm, the plaintiff must prove that the harm wouldn't have occurred "but for" the defendant's negligent conduct.

Within this case, it can be argued that "but for" Natily's negligent conduct of running the red light, and violating a safety statute, Uriel's car wouldn't have struck Elena.

It's likely that Natily's counsel will allege that Uriel is partially at fault as it was his car that ultimately struck Elena. BUT FOR ?? URIEL'S BREACH OF DUTY CAUSED HARM TO ELENA?

All in all, it's evident that an actual cause is present.

Proximate Cause

Proximate Cause: A plaintiff must prove that each item of harm flows from the original negligent acts of the defendant in a foreseeable manner.

Within this case, it can be argued that it was foreseeable that Natily running the red light, would eventually lead to a collision with another vehicle and/or pedestrian, which will be foreseeable to any reasonable person. As such, Natily's negligent conduct was a proximate cause of the incident.

It's likely that Natily's counsel will allege that Uriel is partially at fault and/or proximately at fault as it was his car that ultimately struck and/or injured Elena.

All in all, it's evident that a proximate cause is present

Damages

All in all, Natily is negligently liable to Elena, and will be able to recover damages.

Negligence Per Se

Given that Natily violated a safety statute by running a red light, negligence per se is established. In particular, negligence per se is formed to protect a class of persons and ensure that the safety statute is designed to ensure safety for what it intended to secure. In this case, it's clear that Natily violated a safety statute by running the red light, and subsequently getting into a collision with Uriel, and leading Uriel's car to strike Elena.

Defenses

Joint/Several Liability

When multiple defendants are liable for an indivisible injury, the plaintiff may receive compensation for the full amount of damages resulting from their injuries. As a result of the plaintiff obtaining the full amount of damages, the defendants may then seek contribution from one another.

Within this case, Natily's counsel may be able to assert joint/several liability as Natily ultimately caused the incident, but Uriel's car was the one that impacted Elena. As such, Natily's counsel may be able to assert them as joint tortfeasors, which will allow them to have a portion of liability toward the damages Elena suffered.

All in all, Natily will still be negligently liable to Elena.

Contributory Negligence

Contributory Negligence bars any plaintiff from recovering damages if they negligently contributed to the accident and/or injuries sustained from the accident.

Within this case, Natily can allege that Elena walked against a "Don't Walk Sign," which contributed to the collision and/or injuries sustained by Elena. As such, if Natily's counsel is able to assert contributory negligence then Elena may be barred from any recovery.

Edward v. Natily

Negligence

Will Natily be negligently liable to Edward?

Negligence: To establish negligence, the following must be met: 1.) the defendant owed a duty of care, 2.) the defendant breached the duty of care, 3.) the breach of the duty of care was the actual and/or proximate cause of that harm, and 4.) the plaintiff suffered damages.

Duty

When a defendant engages in an activity, they are imposed a legal standard to act as a reasonably prudent person under same or similar circumstances. It is presumed that the reasonably prudent person will take precautions to prevent a risk of injury to others under the same or similar circumstances.

Additionally, the damages inflicted by Natily should have been foreseeable within the zone of danger, and/or played a substantial factor.

Within this case, Natily engaged in the activity of driving to class, and was in a hurry so as not to be late that she ran a red light. Given these facts, Natily violated a safety statute by running the red light, which is ultimately created to protect a class of persons and/or ensure that the safety statute does what it was formed to do. As a result, Natily did not engage in the duty of a reasonably prudent person, as a reasonably prudent person in the same or similar circumstances would not be rushing or running red lights. As such, Natily failed to prevent a risk of injury to others, and subsequently caused a collision that caused Uriel's car to strike Edward.

Breach

In order to establish a breach of duty, the plaintiff must demonstrate that the defendant's actions were not those of a reasonably prudent person under same or similar circumstances, and/or that the defendant failed to take an action that a reasonably prudent person would take.

Within this case, Natily clearly breached her duty of care as a reasonably prudent person under same or similar circumstances and failed to take appropriate action as would a reasonably prudent person. Instead, she negligently ran the red light, violated a safety statute, and caused a collision that struck Edward as a pedestrian. Given this, Natily has effectively breached her duty of care.

Actual Cause

Actual Cause: To prove a defendant's negligent acts were the cause of the harm, the plaintiff must prove that the harm wouldn't have occurred "but for" the defendant's negligent conduct.

Within this case, it can be argued that "but for" Natily's negligent conduct of running the red light, and violating a safety statute, Uriel's car wouldn't have struck Edward.

It's likely that Natily's counsel will allege that Uriel is partially at fault as it was his car that ultimately struck Edward.

All in all, it's evident that an actual cause is present.

Proximate Cause

Proximate Cause: A plaintiff must prove that each item of harm flows from the original negligent acts of the defendant in a foreseeable manner.

Within this case, it can be argued that it was foreseeable that Natily running the red light, would eventually lead to a collision with another vehicle and/or pedestrian, which will be foreseeable to any reasonable person. As such, Natily's negligent conduct was a proximate cause of the incident.

It's likely that Natily's counsel will allege that Edward is partially at fault and/or proximately at fault as it was his car that ultimately struck and/or injured Edward.

All in all, it's evident that a proximate cause is present

Damages

All in all, Natily is negligently liable to Edward, and will be able to recover damages.

Defenses

Joint/Several Liability

When multiple defendants are liable for an indivisible injury, the plaintiff may receive compensation for the full amount of damages resulting from their injuries. As a result of the plaintiff obtaining the full amount of damages, the defendants may then seek contribution from one another.

Within this case, Natily's counsel may be able to assert joint/several liability as Natily ultimately caused the incident, but Uriel's car was the one that impacted Edward. As such, Natily's counsel may be able to assert them as joint tortfeasors, which will allow them to have a portion of liability toward the damages Edward suffered.

All in all, Natily will still be negligently liable to Edward.

Contributory Negligence

Contributory Negligence bars any plaintiff from recovering damages if they negligently contributed to the accident and/or injuries sustained from the accident.

FACTS? JUST OUTSIDE

Within this case, Natily can allege that Edward jaywalked against a "Don't Walk Sign," which contributed to the collision and/or injuries sustained by Edward. As such, if Natily's counsel is able to assert contributory negligence then Edward may be barred from any recovery.

CROSSWALK — WAS THAT AN ACTUAL OR PROXIMATE CAUSE OF EDWARD BEING HARMED?

Edward v. Uriel

Negligence

Will Uriel be negligently liable to Edward?

Negligence: To establish negligence, the following must be met: 1.) the defendant owed a duty of care, 2.) the defendant breached the duty of care, 3.) the breach of the duty of care was the actual and/or proximate cause of that harm, and 4.) the plaintiff suffered damages.

Duty

When a defendant engages in an activity, they are imposed a legal standard to act as a reasonably prudent person under same or similar circumstances. It is presumed that the reasonably prudent person will take precautions to prevent a risk of injury to others under the same or similar circumstances.

Within this case, Uriel operated as a reasonably prudent person as he was driving and had the right-of-way on a green light. Given these facts, Uriel performed at his standard of care of a reasonably prudent person.

Breach

In order to establish a breach of duty, the plaintiff must demonstrate that the defendant's actions were not those of a reasonably prudent person under same or similar circumstances, and/or that the defendant failed to take an action that a reasonably prudent person would take.

Within this case, Uriel did not breach his duty as he acted as a reasonably prudent person driving on the green light when he had the right of way.

Actual Cause

Actual Cause: To prove a defendant's negligent acts were the cause of the harm, the plaintiff must prove that the harm wouldn't have occurred "but for" the defendant's negligent conduct.

Within this case, there's no actual cause as Uriel was not the cause of the collision and ultimately liability rested on Natily.

It's likely that Natily's counsel will allege that Uriel and Natily are joint tortfeasors and will share a portion of liability.

END OF EXAM