

11-21 Hypotheticals

1. Faith's son, Sam, repeatedly got in trouble at school for minor fights on the playground at lunch, resulting in short suspensions. One day, while getting off the school bus, Sam punched a younger child in front of him in the head. The child suffered an aneurysm and died. Child's family sues Faith.

Liabile?

2. A & B are friends. A is aware when she gets into B's car for a ride home that B, the driver, is intoxicated. On the way home, runs off the road and hits a child on a bicycle. Child's parents sue A for failing to stop B from driving while intoxicated.

Liabile?

3. D is an ice-cream truck driver. D's intended customers, small children, know when he is in the neighborhood because he plays music out of his truck. One day D, driving down a busy street, forgets to turn off the music. A child, hearing it, rushes into the street to buy ice cream and is hit by a car. Child's parents sue D for failing to prevent the accident.

Liabile?

4. Ann works at Publix supermarket in the business office with store manger, David. David scheduled Ann to work in the early mornings and late afternoons, requiring child care for Ann's seven year old son, Bill. Robert also works at Publix and has become friends with Ann. Robert agrees to care for Bill in his home, enabling Ann to work the required hours. David knows that Robert has a conviction for attempted sexual battery of a minor under 12. Although he knows that Ann has asked Robert to care for her son, he does not tell Ann about Robert's conviction. Robert sexually abuses Bill at least two times over a three month period before Ann discovers the abuse. Ann sues Publix.

Liabile?