

Duty for Purely Emotional Harm (cont.)

Falzone v. Busch

Side Note: Bystander Liability

Will not be on the final or midterm!

Gammon v. Osteopathic Hospital of Maine

Traditional Requirements for *Allowing Recovery* for an NIED Claim (in Maine)

- physical impact
- objective manifestation
- underlying or accompanying tort
- special circumstances

Johnson v. Jamaica Hospital

Midterm

The Purpose of the Appendices

Short Answer Questions

Short Answer Question Example:

A plaintiff, Randal Briggs, has sued his doctor, Peggy Rice, for medical malpractice, alleging that she negligently performed a surgical operation to repair an injury to his leg that Briggs sustained when he fell off of his tractor on his farm in Iowa. Doctor Rice runs a small family medicine practice in the same rural town where Briggs lives. Rice plans to call as an expert witness Doctor Lucas Maxwell, whose family medicine practice is located next door to her own practice. Briggs plans to call as an expert witness Doctor Silvia Delgado from the University of Iowa who has written the textbook on the particular procedure Rice performed and who performs the procedure routinely in his practices in Iowa City, New York City, and Los Angeles. As the attorney for Doctor Rice, what is your best argument for why the trial court should not allow the jury to hear the testimony of Doctor Delgado?

Procedural Posture Anxiety

These motions:

Motion to dismiss

Summary judgment

Judgment as a matter of law / Directed verdict

Judgment notwithstanding the verdict

are all asking the judge to decide the case as a matter of law.

Magic Moment

Magic Moment Sample Fact Pattern

A psychiatrist, Theresa Jones, is treating a patient who tells her that he can't stop thinking about murdering his girlfriend, Cora Vasquez. Concerned about this, Jones writes and mails a letter to Vasquez warning her about her boyfriend. Before the letter arrives, the boyfriend murders Vasquez. Vasquez's parents sue Jones for negligence.

Evaluations