

Proximate Cause

But first...

Exercise 3

You are an attorney at a plaintiff's side firm in the state of Loyola.

A labor activist, Ayla Ross, comes to visit you in your office. She has been organizing workers at a slaughterhouse in the region. She's learned that the slaughterhouse had been euthanizing chickens with a particular gas, BirdBeGone, for the many years. but stopped using the gas when it was taken off the market six months ago. The gas was banned by state authorities after emerging research indicated that human beings exposed to the gas could develop skin cancer and that the gas could induce miscarriages and result in severe birth defects.

Ross wants to talk with these workers about the possibility of suing the slaughterhouse for negligence. She is particularly interested in the possibility of a class action lawsuit so that the workers don't need to litigate individual cases, but she knows that issues of causation can be challenging in toxic harm lawsuits.

For this question, assume that duty and breach can be proven. Please advise her on the most pertinent remaining issues.

Okay, now Proximate Cause!

But first...

Where are we?

What are we doing?

Torts

~~I. Introduction~~

~~II. Remedies~~

~~III. Negligence~~

~~---A. Introduction~~

~~---B. Duty & Breach~~

~~---C. Causation~~

~~----- -Factual Cause~~

----- - Proximate Cause

--- D. Defenses

IV. Strict Liability

V. Intentional Torts

VI. Alternatives to Tort

Elements of a Negligence Cause of Action

1. _____

2. _____

3. _____

4. _____

Elements of a Negligence Cause of Action

1. Duty

2. Breach

3. *Causation*

4. Harm

Two parts to causation

1. _____

2. _____

Two parts to causation

1. Factual cause

2. Proximate cause

Proximate Cause

Unexpected Harm

Benn v. Thomas

Additional Harm

Note Cases

Intervening Cause

Torres v. El Paso Electric Co.

Intervening Cause

“a cause which interrupts the natural sequence of events, turns aside their cause, prevents the natural and probable results of the original act or omission, and produces a different result, that could not have been reasonably foreseen.”

- Prosser & Keaton, Law of Torts