

Factual Causation:

Multiple Defendants

Causation

Two parts:

1. _____

2. _____

Two different tests for factual causation

1. _____

2. _____

Causation

Two parts:

1. Factual cause
2. Proximate cause

Two different tests for factual causation

1. “But for”
2. Substantial factor

"But for"
test for
factual cause

Substantial
factor test
for factual cause

Corporate needs you to find the differences
between this picture and this picture.

They're the same picture.

Stubbs v. City of Rochester

Zuchowicz v. United States

What about multiple possible causes?

Anderson v. Minneapolis, St. Paul & Sault Ste. Marie Railway Co.

“Multiple Fires Whodunnit”

Necessary and Sufficient Conditions

Necessary condition:

Result happens **ONLY IF** condition exists.

Put another way:

IF NOT condition, then **NO** result.

Sufficient condition:

IF condition exists, then result happens.

Summers v. Tice

“Hunting Party Whodunnit”

Summers v. Tice

Three reasons for alternative liability:

1. Almost 51% probability
2. Fairness
3. “Smoke out” the real evidence

Summers v. Tice

~~Three reasons~~ for alternative liability:

1. ~~Almost 51% probability~~
2. Fairness
3. ~~“Smoke out” the real evidence~~

Garcia v. Joseph Vince Co.

“Fencing Sabre Whodunnit”