#### Factual Causation:

# Multiple Defendants

#### Causation

Two parts:

1.\_\_\_\_\_

2. \_\_\_\_\_

Two different tests for factual causation

1. \_\_\_\_\_

2. \_\_\_\_\_

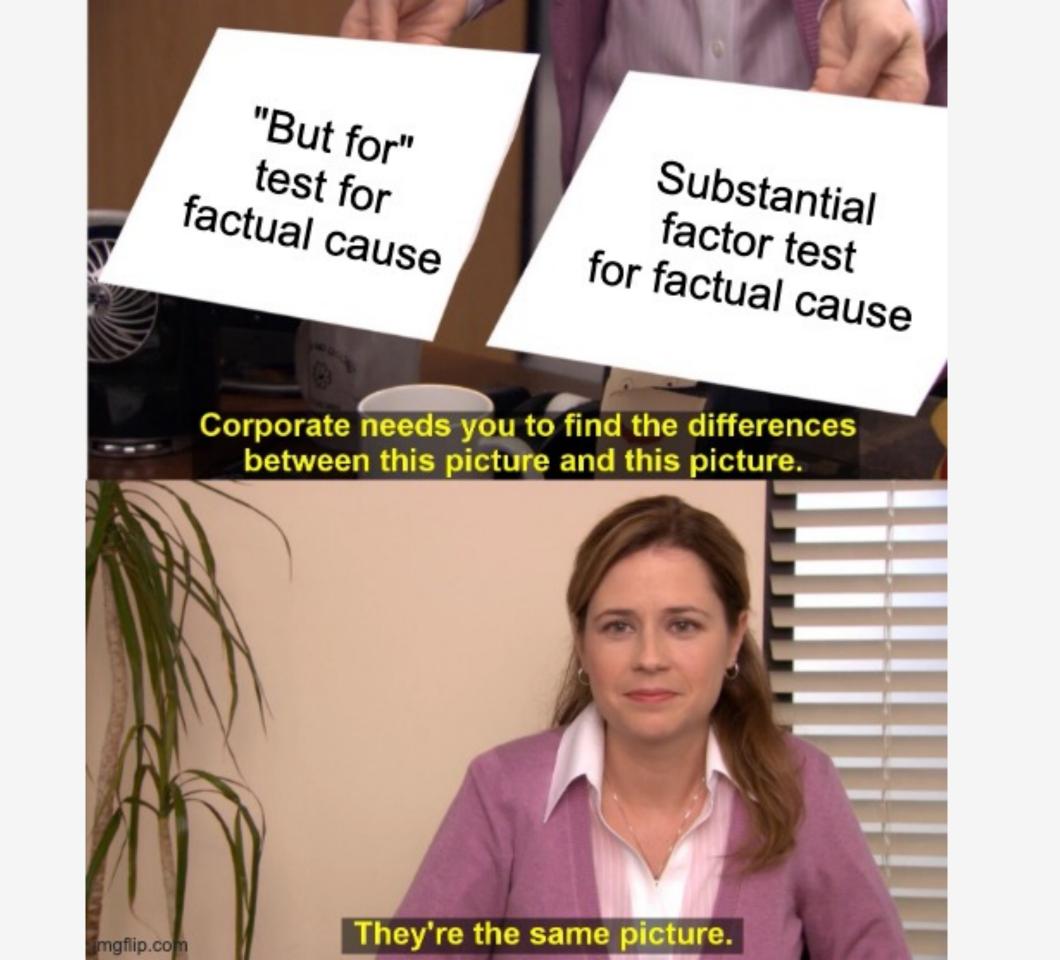
#### Causation

#### Two parts:

- 1. Factual cause
- 2. Proximate cause

Two different tests for factual causation

- 1. "But for"
- 2. Substantial factor



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:

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## Garcia v. Joseph Vince Co.

"Fencing Sabre Whodunnit"