

Causes of Action



- **Negligence**
 - conduct that falls below the standard regarded as normal or reasonable in a given community
 - most significant addition to common law this century
 - regulates inadvertent conduct
 - must take reasonable care to prevent harming someone
 - “duty of care” is what defendant owes plaintiff
 - plaintiff must prove defendant knew harm could happen and who it might harm

- Elements of Negligence Action
 - duty of care
 - standard of care and its breach
 - causation
 - remoteness of damage
 - actual loss
 - prejudicial conduct

- Negligence Cases
 - Donoghue v. Stevenson (SNAIL and BEER)
 - first case of negligence (1932)
 - plaintiff died before House of Lords decided case
 - “who is thy neighbour?” - “persons who are so closely and directly affected by my act that I ought reasonably to have them in contemplation as being so affected when I am directing my mind to the acts or omissions which are called in question”
 - Schunicht v. Tiede (HERBICIDE)
 - negligence, Rylands v. Fletcher (both won)