

# [Torts – college essay](https://assignbuster.com/torts-college-essay/)

McGovern v RomePartiesMitch McGovernPlaintiff Johnny RomeDefendantIssue: Does Johnny Rome owe Mitch McGovern a duty of careFactsIssue 1: Does X owe the Y a duty of careLaw: The landmark precedence case Donoghue v Stevenson [1932] AC 562 established that……… the existence of a duty of care is applicable in this case……. Application: Determining the existence of a duty of care is the first of three crucial elements required to be proven by……Conclusion: A duty of care is……Issue 2: Did the X breach their duty of careLaw: The relevant law for establishing a breach of a duty of care is……Application: Similar to Paris v Stepney Borough Council [1951] AC 367 case the probability of such an event….. Conclusion: Considering X ought to……Issue 3: Has causation been satisfiedDid the Plaintiff suffer damage and if so did it flow directly from the Defendant’s breach of duty of care? Was the damage too remote to be compensated by the Courts? Law: Causation consists of…. Application: Again, X may……Conclusion: Had Y……Issue 4: Are there any defencesLaw: Regardless of the decisions of the Court in relation to the above elements, a Defendant….

. Application: In applying a defence of voluntary assumption of risk it must ……. Some more information is needed to establish if…..

Conclusion: Both contributory negligence and voluntary assumption of risk defences can….. Issue 5: What sort of damages would be payableLaw: Part 2 of the Civil Liabilities Act 2002 (NSW) refers to…. Application: Under the Act…..

Conclusion: Damages payable are….. Issue 6: There may be further issues to consider, this will depend on the actual question. More facts are needed re X in order to resolve YHeaven v Pender, Trading As West India Graving Dock Company (1883) 11 QBD 503Donoghue v. Stevenson