

Torts – college essay



McGovern v Rome Parties Mitch McGovern Plaintiff Johnny

Rome Defendant Issue: Does Johnny Rome owe Mitch McGovern a duty of

care Facts Issue 1: Does X owe the Y a duty of care Law: 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 care Law: 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

satisfied Did 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 defences Law:

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 payable Law: 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