

Problem Question

Amy lives in Wonderland. One day, she is walking down the street (on the pavement), and she is hit on the head by a basketball. The ball was thrown by Bill, who was playing catch with his 6 year old son, Chris, in a field that borders the pavement. Confused and discombobulated, Amy steps backwards into the road, causing a car to swerve to miss her. The car, driven by David, veers into the front of a building on the opposite side of the street, smashing its front window, while crushing the front of David's car. The building is a sweetshop owned by Eric. As a result of the damage, Eric is forced to close his shop for three weeks, pending repairs.

Shocked by what has happened, Bill runs out to check Amy is okay. She is, however, physically unharmed, although she suffers considerable emotional distress. Having taken his eye off his son, however, Bill fails to notice when Chris runs out into the road, colliding with a motorbike, driven by Frank, who was trying to navigate the crash, and proceed on his way. The collision breaks both Chris' legs, and smashes his glasses.

Amy has suffered emotional distress, and is seeking £1,000 in compensation.

David's car, worth £40,000, is a write off.

Bill, distrustful of the NHS, has to fork out £5,000 in medical treatment costs for Chris, and pay £200 for a new pair of glasses.

Eric has to pay £10,000 to have his shop repaired, and loses £5000 in lost profits due to the closure of his shop.

Discuss the possible claims of Amy, David, Bill, and Eric, using Wonderland's draft Tort and Contract Act.

Excerpts from Wonderland's Contract and Tort Act:

Section 10: A person who suffers damage to her/his life, freedom, health or property, has the right to request compensation from the person who caused the damage intentionally or negligently.

Section 11: A person causes the damage in the sense of sec.10 if the damage is the consequence of

- that person's conduct; or
- a source of danger for which that person is responsible

Section 12: Damage to health of a person in the sense of sec.10 includes pain and suffering and the impairment of the quality of life.

Section 13: Compensation includes economic loss caused by the damage, as well as lost profit if that profit was reasonably to be expected.

Section 14: Where the fault of the injured person contributed to the occurrence or the extent of the damage under sec.10, the compensation will be reduced according to the degree of such fault.

Section 20: Parents have the right to act on behalf of their children.