CHECKLIST

- Overview
- Breach of Duty
- Negligence ≠ Failure to use RC
  - RC Defined
- Negligence per se
  - Was a statute violated?
  - No plausible excuse
  - Is this a Cardozo jurisdiction?
  - If not a Cardozo jx, strong evidence
- Industry Custom
  - Expert testimony concerning practices
  - Custom is persuasive, but not dispositive
- Res ipsa loquitur
- Elements
  - Is this the type of accident suggesting negligence?
  - Did defendants have exclusive control?
  - Did the plaintiff contribute?
  - "Rulebook" violation?
  - Argument by analogy
- Strict Liability
  - Other forms don't seem to apply
- ADA
- Description of Restatement factors
- Application of Rstmt factors debatable
- Seller of fireworks

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