

CHAPTER 21 ACTIVITY
Basic Concepts

Directions: Review strict liability on pages 264–269 in the Student Edition. Draw symbols that represent the strict liability torts and negligence torts.

Strict Liability**Negligence**

After drawing the symbols, examine the four situations below and decide for each situation whether it should be judged as a strict liability or a negligence tort. Write your answers on a separate sheet of paper.

1. Roberts Brothers, with reasonable care, carried on blasting operations in a rural district. They had no reason to know of the presence of JJ's mink ranch nearby. The noise of the blasting frightened the mink, and the fright caused them to kill their young. Is this an unreasonably dangerous activity that requires that Roberts Brothers be judged by a strict liability standard? Give your reasons.
2. During a New Year's celebration in Chinatown, the Kung Fu Club set off hundreds of firecrackers. Some of the firecrackers struck persons watching the celebration, and they were burned. Is this an unreasonably dangerous activity that requires that the Kung Fu Club be judged by a strict liability standard? Give your reasons.
3. An operator of a phosphate mine kept billions of gallons of phosphate slime contained behind earthen walls. One day, an earthen wall broke and more than one billion gallons of phosphate slime escaped into nearby waterways, killing fish and causing other damage to wildlife. Is this an unreasonably dangerous activity that requires that the phosphate mine operator be judged by a strict liability standard? Give your reasons.
4. Mr. Tuttle came into the plaintiff's restaurant with a tear gas shell in his pocket. It exploded while he was eating. When trying to help the man, the owner received permanent damage to her eyes and had to close her restaurant for several days. Is this an unreasonably dangerous activity that requires that Mr. Tuttle be judged by a strict liability standard? Give your reasons.