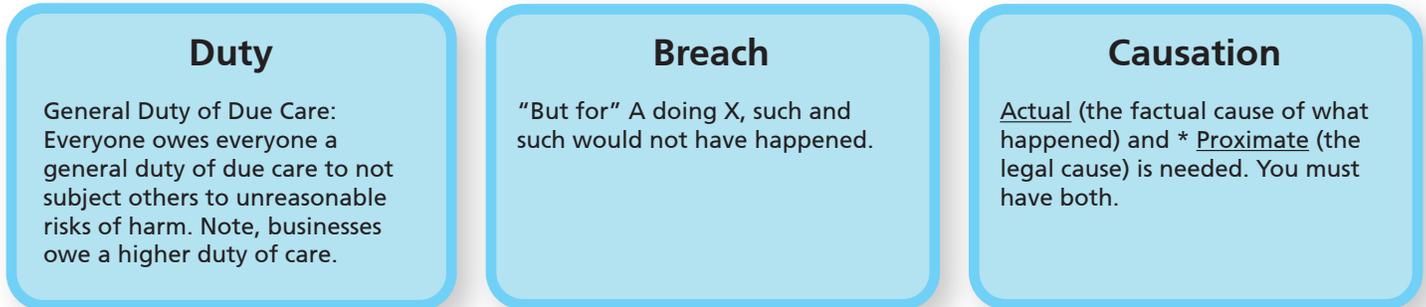


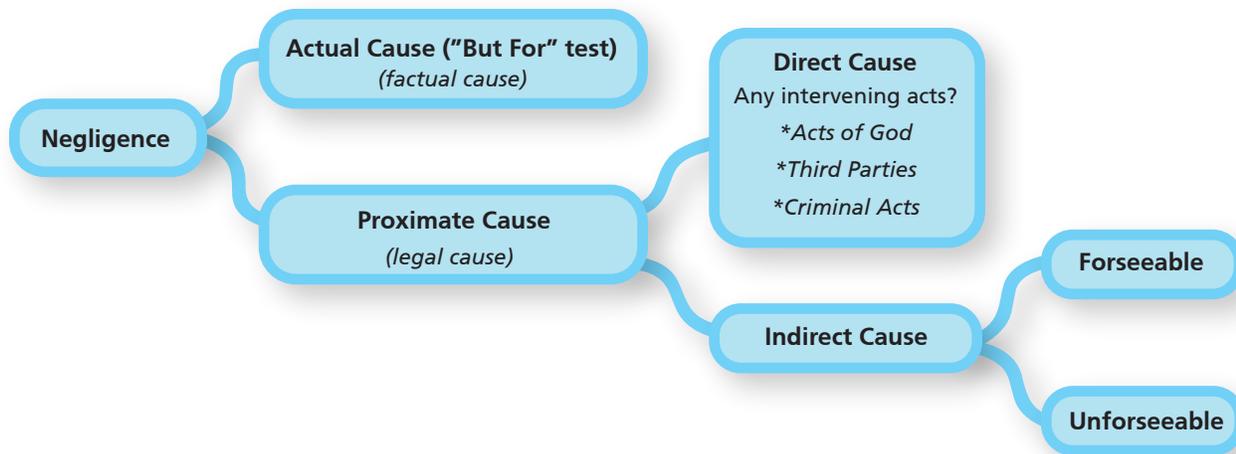
Negligence Requirements and Flow Chart

Negligence requires the following elements:



*Note under proximate cause in the chart below, the plaintiff (person bringing the cause of action for negligence) will assert that the defendant the person whom the lawsuit is being brought against is the actual cause (using the but for test) and the proximate cause of his/her injuries. When establishing proximate cause, the plaintiff will assert the chart's top lines coming off of proximate cause, hence that the defendant was the direct cause. Next, the Plaintiff will indicate that the defendant was the foreseeable cause of his/her injuries.

The Defendant however will assert that despite perhaps appearing to be the actual cause of the Plaintiff's injuries, that he/she was the indirect and unforeseeable cause of the Plaintiff's injuries (the bottom lines of the chart).



Defenses: The three main defenses are:

