

### **QUESTION 3**

Jane, a babysitter, took three 6-year-old children—Abe, Betty, and Carl—to the playground.

Abe ran through flowerbeds bordering the playground. Gary, a groundskeeper, yelled at Abe, “Hey, get out of the flower beds!” and threw a rock at him. Abe ducked, and the rock missed him.

Betty climbed the ladder at the back of a metal slide manufactured and sold by Slideco. The surface of the slide became very hot on typical summer days. That day was a typical summer day and the slide’s surface reached a temperature of 140 degrees. As she went down the slide, Betty sustained burns on her legs.

Carl began to kick a soccer ball. Jane was too occupied texting on her cell phone to notice that Carl had kicked the ball into the street and was running to retrieve it. A motorist, who was driving 40 miles per hour despite a posted limit of 25 miles per hour, struck Carl and injured him.

1. Under what theory or theories, if any, might Abe bring an action for damages against Gary? Discuss.
2. Under what theory or theories, if any, might Betty bring an action for damages against Slideco? Discuss.
3. Under what theory or theories, if any, might Carl bring an action for damages against Jane? Discuss.