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The Case Summary provides a background of the case and is divided into three parts:

- **Procedural Posture**—describes the case's procedural history—how this case arrived before this court
- **Overview**—provides a brief review of the underlying facts, legal issues and the court's holding(s)
- **Outcome**—contains the ultimate procedural disposition of the issue(s)

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Palsgraf v. Long Island R. Co., 248 N.Y. 339 (Copy w/ Cite)

Pages: 13

CASE SUMMARY

PROCEDURAL POSTURE: Defendant railroad appealed a judgment of the Appellate Division of the Supreme Court in the Second Judicial Department (New York), which affirmed the trial court's holding that the railroad was responsible for injuries to plaintiff passenger resulting from an explosion.

OVERVIEW: The passenger was standing on a platform of the railroad after buying a ticket. A train stopped at the station, and a man ran forward to catch it. When he attempted to board the train in haste, he dropped a package containing fireworks. As a result, the passenger was injured from the subsequent explosion and sought to hold the railroad liable for negligence. Pursuant to a jury verdict, the trial court entered a judgment in favor of the passenger. The appellate court affirmed, and the railroad appealed. Upon final determination, the court reversed the judgment, holding that the passenger failed to prove that the railroad's alleged negligence proximately caused her injuries. Essentially, the court held that under the foreseeability test, it was not reasonable to hold that the railroad's alleged negligence was the cause of the passenger's injuries. Rather, it was the explosion that was the proximate cause, and the railroad could not have reasonably expected such a disaster.

OUTCOME: The court reversed the judgment of the appellate court and dismissed the complaint.

LexisNexis headnotes provide a more detailed overview of the legal issues discussed. You'll understand the court's assessment of each issue, as actual case language is used in each headnote.

LEXISNEXIS® HEADNOTES

Torts > Negligence > Proof > General Overview

Torts > Negligence > Standards of Care > General Overview

HN1 Negligence is not actionable unless it involves the invasion of a legally protected interest or the violation of a right. Proof of negligence in the air, so to speak, will not do. Negligence is the absence of care, according to the circumstances. [More Like This Headnote](#) | [Shepardize: Restrict By Headnote](#)

Torts > Negligence > Duty > General Overview

HN2 If no hazard is apparent to the eye of ordinary vigilance, an act innocent and harmless, at least to outward seeming, with reference to a plaintiff, does not take to itself the quality of a tort because it happened to be a wrong, though apparently not one involving the risk of bodily insecurity, with reference to someone else. In every instance, before negligence can be predicated of a given act, back of the act must be sought and found a duty to the individual complaining, the observance of which would have averted or avoided the injury. The ideas of negligence and duty are strictly correlative. [More Like This Headnote](#) | [Shepardize: Restrict By Headnote](#)

Civil Procedure > Trials > Jury Trials > Province of Court & Jury

Torts > Negligence > Duty > Affirmative Duty to Act > Special Relationships > General Overview

HN3 The risk reasonably to be perceived defines the duty to be obeyed, and risk imports relation; it is risk to another or to others within the range of apprehension. This does not mean, of course, that one who launches a destructive force is always relieved of liability if the force, though known to be destructive, pursues an unexpected path. It is not necessary that a defendant should have had notice of the particular method in which an accident would occur, if the possibility of an accident was clear to the ordinarily prudent eye. Some acts, such as shooting, are so imminently dangerous to any one who may come within reach of the missile, however unexpectedly, as to impose a duty of prevision not far from that of an insurer. Even today, and much oftener in earlier stages of the law, one acts sometimes at one's peril. Under this head, it may be, fall certain cases of what is known as transferred intent, an act willfully dangerous to A resulting by misadventure in injury to B. These cases aside, wrong is defined in terms of the natural or probable, at least when unintentional. The range of reasonable apprehension is at times a question for the court, and at times, if varying inferences are possible, a question for the jury. [More Like This Headnote](#) | [Shepardize: Restrict By Headnote](#)

Torts > Negligence > Proof > General Overview

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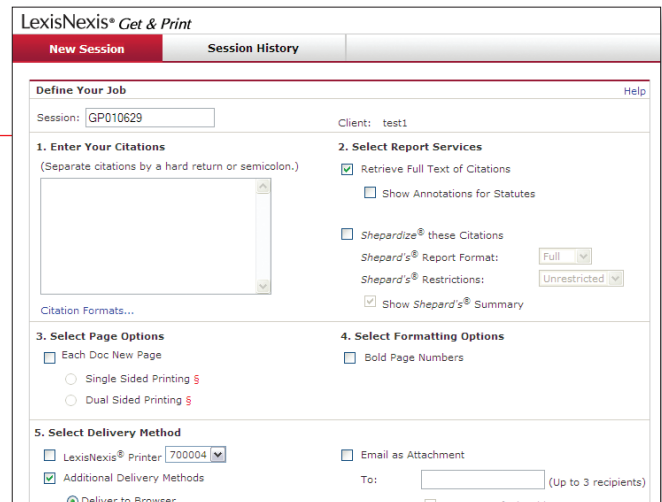
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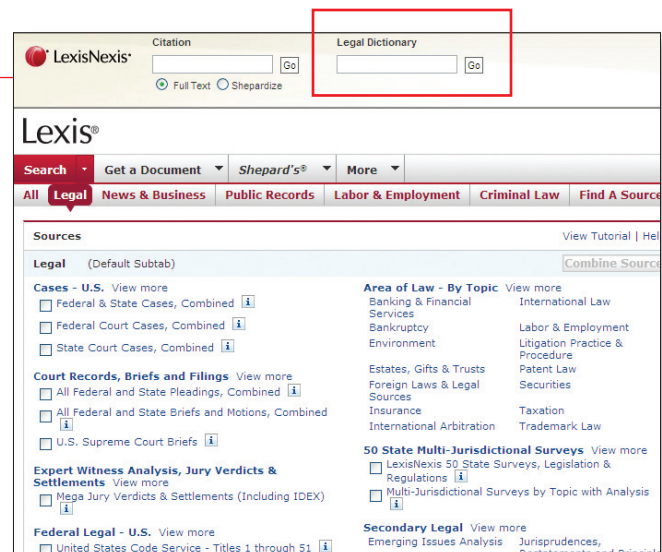


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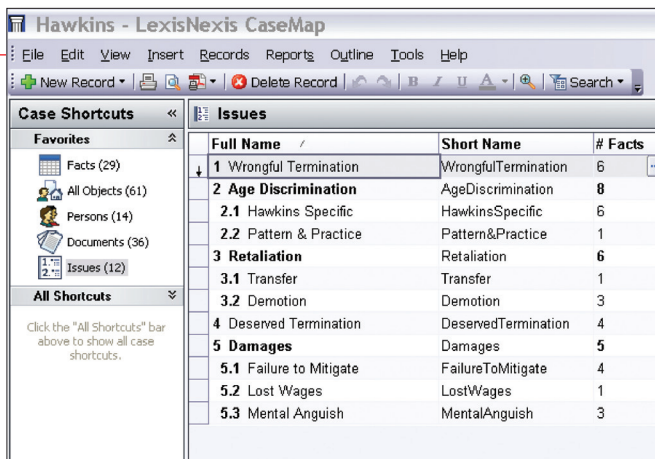
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2.1	Hawkins Specific	HawkinsSpecific	6
2.2	Pattern & Practice	Pattern&Practice	1
3	Retaliation	Retaliation	6
3.1	Transfer	Transfer	1
3.2	Demotion	Demotion	3
4	Deserved Termination	DeservedTermination	4
5	Damages	Damages	5
5.1	Failure to Mitigate	FailureToMitigate	4
5.2	Lost Wages	LostWages	1
5.3	Mental Anguish	MentalAnguish	3

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