

Jane and Bill's Anniversary

Jane Clayton and her husband Bill were celebrating their 35th wedding anniversary. As a special treat, Bill decided to take Jane to Buzz's, her favorite restaurant in Lanikai. It was Friday, Buzz's busiest night so parking would be a chore, but just being there was worth the hassle. Bill and Jane arrived early, only to find the parking lot, which held 10 cars, was full so as customary, patrons of the restaurant parked across the street at the beach park and crossed the highway to enter the restaurant. As Jane made her way across the street and approached the short retaining wall, she fell into hole in the small grassy area. Luckily, Bill was there to catch her before she fell, but in her fall it appeared that she severely injured her ankle.

Seeing the commotion out front, Alika Christian, Buzz's general manager and son of the owner Buzzy came out to assist Jane. Subsequently an ambulance was called and Jane was rushed to the nearby medical center. Upon a thorough examination, it was discovered that Jane had fractured her ankle in two places; she would require surgery, rehabilitation and would be out of work for 2 months.

The Claytons decide to sue Buzz's for both compensatory and punitive damages citing the city law that states that, "It shall be the duty of the owner of real property abutting any sidewalk to maintain such sidewalk in a reasonably safe condition". An investigation revealed that Alika had contacted the City and County of Honolulu to repair and had several emails as proof. It is Alika's contention that the Clayton's should be suing the City and not him and the restaurant.

- Did Buzz's fulfill its duty of care to Jane Clayton?
- Do the Clayton's have a case against Buzz's?
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- Is there evidence that would support Jane's claim for punitive damages?
- How could this situation resulting in Jane's injuries have been avoided?

