

Paul's Fall

Paul Andrews was a server at Greenery a popular restaurant in the heart of the city. One Friday, Paul was scheduled to work the busy lunch shift. Everything was going like clockwork, all of Paul's guests were easy to please and all had tipped him quite well. His last table was an elderly couple visiting from out of state, they had several questions about the restaurant's farm-to-table menu, but Paul was able to explain each item and the two made their selections. Paul thought to himself, "Great; it's Friday and my last table isn't going to be easy and they probably won't be big tippers either".

Eager to end his shift he quickly put their order into the POS system then proceeded to the kitchen to pick-up the soup and salad the couple had ordered as their first course. As he walked through the automatic opening kitchen door back to the dining room he tripped and fell. In the fall he fractured his wrist and broke his collarbone, in addition, the hot soup spilled onto him; he suffered first, and second degree burns on his face and neck.

An investigation revealed that Paul had tripped on a section of carpet that had separated from the floor leading from the kitchen to the dining room. The investigation also revealed that the restaurant's manager had tried to fix the torn carpet with some duct tape which had subsequently come loose.

Paul decides to sue Greenery for his damages. The restaurant claims that the accident was Paul's fault as he had been rushing to try to finish his shift. They offer as evidence a conspicuously placed sign leading from the kitchen to the dining room stating, "Proceed slowly and use caution when carrying trays containing HOT items!"

1. Does Paul have a case for damages against Greenery? Explain why or why not.
2. Was the restaurant negligent in this case? If so, classify their negligence and give evidence to support your answer.
3. Assuming Paul has a case, what type of damages would he be entitled to? Explain your answer.
4. Does the fact that Paul was "eager to end his shift" have any bearing on this case? Explain why or why not.
5. Does the exculpatory sign ("Proceed slowly and use caution when carrying trays containing HOT items!"), lessen or excuse the restaurant from any liability in this case? Explain your position.