

Diane's Big Night

New York City Chef Diane Romano was excited to be in Chicago to accept the Food & Beverage Association Award for Outstanding Pastry Chef, North America Region. She checked into Heaven a luxury boutique hotel next door to where the awards ceremony was to take place. Eager to get out of her kitchen whites, Diane was determined to dress to impress. That evening she hurried to get ready and rushed over to the event.

Everything went well, many of her colleagues commented on how great she looked that evening. Exhausted from her travels and the evening's events; Diane fell asleep as soon as she made it back to her room. At approximately 3:00 am Diane woke up coughing. Her room was filled with smoke. In her confusion she tried to make her way to the door but tripped in the process. Luckily the guests in the next room smelled smoke and notified the front desk. Immediately, security came into Diane's room and pulled her to safety.

An investigation revealed that the fire in Diane's room was started by a flat iron that she had left on all night. In addition, it was discovered that the smoke detector in her room was not functioning properly. In the fire Diane suffered a concussion, a broken ankle and third degree burns on her hands and arms. As a result, she missed 4 months of work. After numerous surgeries it was determined that she would never regain full use of her right hand.

- Was the hotel negligent in this case? If so, classify and explain your answer.
- Was Diane responsible for her own injuries? Explain your answer. (Be sure to answer whether or not you think she acted reasonable in this case)
- List and classify the damages that Diane should seek to recover.
- The hotel claims that the smoke detector in Diane's room was faulty and that the manufacturer of the smoke detector should be responsible for the damages; do you agree? Explain your answer.