

No Duty to Protect From 3d Persons

1. Basic Rule— ∂ owes no duty to π respecting acts of 3d persons regardless of whether the ∂ 's conduct creates a risk (i.e., constitutes misfeasance or nonfeasance)
2. Exceptions
 - a. Statutorily imposed duty
 - b. Special relationships
 - i. Between ∂ and π
 - a. See list from handout on nonfeasance
 - ii. Between ∂ and the 3d Person (i.e., the other tortfeasor)
 - a. Employer—employee w/facilitation
 - b. Custodian—ward
 - c. Parent—dependent, minor child
 - d. Mental health professional—patient
 - c. ∂ has made certain promises
 - d. Commercial vendors of alcohol for on-premises consumption where patron noticeably intoxicated