

Problems

A mazuku (from the Swahili for “evil wind”) is a pocket of heavier-than-air oxygen-poor gas that accumulates in a depression. They result from natural geologic processes. Mazukus, which are odorless and invisible, can cause asphyxiation of people and animals that wander into them.

1

Linda is a landowner that knows about a mazuku on her land. Is she liable for a trespassing child that falls in and dies?

- A. Yes
- B. No

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- A. Yes
- B. No

The answer is no because it's a natural hazard. The duties to trespassers, including child trespassers, apply only to artificial conditions.

2

Geologist George, walking nearby, happens to see the child fall into the mazuku. George has a breathing mask and could safely go and rescue the child. Is George liable for not walking down to pull the kid out?

- A. Yes
- B. No

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- A. Yes
- B. No

(This is a review question.)
The answer is no because there's no affirmative duty to rescue.

3

A different mazuku is on a golf course owned and operated by Funstar Resorts, and they know mazukus tend to form on the land. Is Funstar Resorts liable if a golfer falls in and is injured?

- A. Yes
- B. No

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- A. Yes
- B. No

Yes. The golfer is an invitee, so there is a duty to warn of known and reasonably knowable natural hazards.

4

Does it make a difference if Funstar Resorts doesn't actually *own* the property, instead they just lease it?

- A. Yes
- B. No

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- A. Yes
- B. No

No. They're still the land "occupier," so the special rules apply the same as if they were the owner.

5

Linda knows people are sometimes on her land without permission. She sets off a huge fireworks display where it's foreseeable that a trespasser might be walking. Must she use reasonable care to avoid injury to them?

- A. Yes
- B. No

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- A. Yes
- B. No

Yes. When it's an activity, as opposed to a condition, don't use the special rules for land owner/occupiers.