



Final Argument #6

Final Argument #6 – Demonstration

Here is a sample Call to Action on behalf of the pursuer, Mrs. Donoghue

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At this trial's outset, I suggested it was about protecting our neighbours. In a complex world, our decisions impact many people around us. We should be aware of who our conduct affects. And most importantly, we should take reasonable steps to avoid causing them foreseeable harm. That is all I advocate – reasonable steps to avoid causing foreseeable harm.

Within the framework of this duty, like the Physician's Hippocratic Oath, did Mr. Stevenson take such steps? First, we have established that a bottle of ginger beer that came from his plant contained the toxic remains of a snail. Second, we established that this bottle went through normal distribution channels to a customer that any merchant would expect to consume the product. Did Mr. Stevenson take

reasonable steps to protect Mrs. Donoghue - his end-user, that customer? Because she was well within the realm of foreseeable consumers.

If we focus on Mr. Stevenson's steps, we can see that a snail's remains could not have entered that bottle with reasonable precautions. *Res ipsa loquitur* applies, and Mr. Stevenson cannot explain his failure. It is not incumbent on the consumer to explain the merchant's conduct. How could Mrs. Donoghue know what Mr. Stevenson did or did not do? She suffered from the result of his activities, and that is all she knows.

If this case is about protecting our neighbour, then Mr. Stevenson failed miserably to protect his neighbour, Mrs. Donoghue. That is what this case is about. Compelling a merchant to take reasonable steps to protect the people affected by his conduct. Mrs. Donoghue was the victim of Mr. Stevenson's failure, and he should be held to account so there are no other such victims in the future.