

Lydia Loren, aged 16, jumped into her car to drive to a shopping mall. On the way to the mall, Loren found herself at a stoplight behind another car. When the light turned from red to green, the car in front of her did not move. The driver of the car, Bill Funk, was having car trouble. Loren honked her car horn for 20 seconds straight, screaming “Move It!” Loren then drove around Funk and continued on to the mall.

As it turns out, Loren’s honking caused Funk’s left ear drum to rupture. Funk had been on his way home from the doctor’s office where, just hours before, the doctor had thoroughly and non-negligently cleaned Funk’s ears, making them hypersensitive. After his ear drum ruptured, and Loren had driven around him, Funk drove straight to the emergency center of a hospital where a different doctor negligently treated his newly ruptured ear drum, thereby causing total and permanent hearing loss.

Relevant Statutes/Rules:

Here are some statutes and rules of which you should be aware:

[1]. *Whereas*, the incessant honking on the streets of Oregon has become a nuisance to the peace of mind and a danger to the well being of its citizens and visitors, the legislature enacts the following statute:

It shall be a Class B misdemeanor to use a vehicle horn unless done to indicate or signal to another vehicle or a pedestrian that they are in imminent danger of physical harm. No excuses or justifications for a violation of this statute shall be entertained in the courts of this State for any purpose whatsoever.

[2] In Oregon the legal driving age is 16 and the age of majority is 18.

Directions:

1. What negligence claims can Funk bring against Loren for his injuries?