

Michael R. Dudas VS.
Glenwood Golf Club, Inc.

By
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(Extra Credit)

Parties involved

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graph TD; A[Parties involved] --> B[Michael R. Dudas (Plaintiff)]; A --> C[Glenwood Golf Club, Inc (Defendant)];
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**Michael R. Dudas
(Plaintiff)**

**Glenwood Golf Club, Inc
(Defendant)**

Michael R. Dudas was the victim in this case, and he was a business invitee who was injured in criminal assault by unknown third party.

Facts

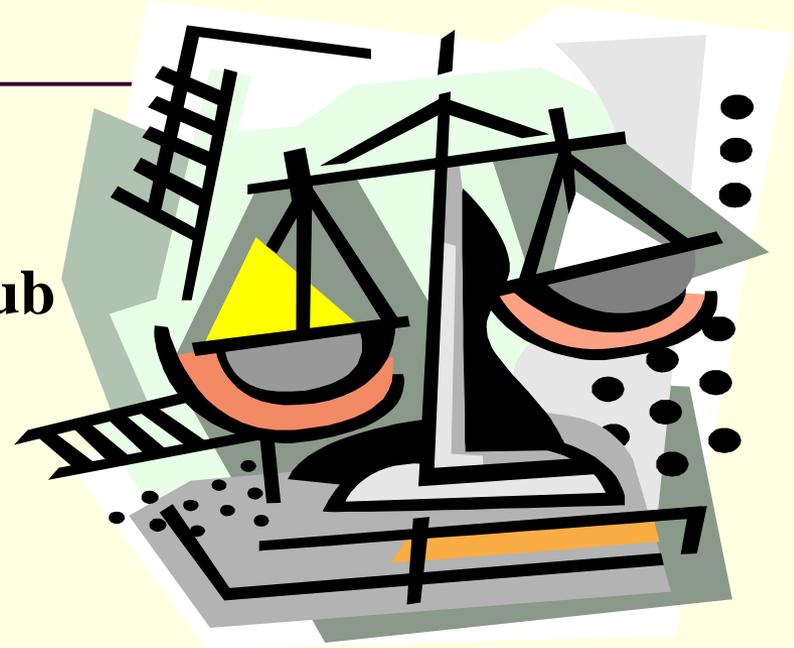
- On November 1, 1997, Michael R. Dudas , a business invitee was playing golf on a public 18 hole golf course owned and operated by Glenwood Golf Club, Inc.
- While he was playing near the green of the 13th hole, Dudas and a companion were confronted by two unknown male trespassers and robbed at gunpoint. And one of the assailants shot Dudas in the leg.
- Dudas sued Glenwood Golf Club for negligently operating, managing, maintaining and repairing, thus rendering its premises unsafe.

More Facts

- Dudas further alleged that Glenwood Golf Club owed him, as an invitee, a duty of care to warn him of the danger of a criminal assault on its premises, and in failing to exercise these duties of care, Glenwood acted consciously in disregard of plaintiff's right and with indifference to the consequences of its actions. Dudas sought 2 millions in compensatory damages and 3.5 millions in punitive damages.
- Both parties agreed two armed robberies and one attempted robbery of business invitees had occurred on the premises of Glenwood Golf Club during October 1997 and that another such robbery had occurred in May 1996. However, Glenwood Golf Club contended that it owed Dudas, as its invitee, no duty to warn or protect him from the danger of being shot by a robber on its premises in the absence of knowledge such a criminal assault was occurring or about to occur.

Even More Facts

- **The Circuit Court, city of Richmond granted summary judgment for Glenwood Golf Club Inc.**
- **Dutas appealed.**
- **The Supreme Court affirmed the judgment.**



Glenwood Community Golf Club



■ <http://www.tee-off.ca/courses/mb079.htm>

Points of View

1. **Defendant:** Glenwood Golf Club, Inc. believes that they owed Dutas no duties to warn or protect him from the danger of criminal assaults on its premises in the absence of knowledge.
2. **Plaintiff:** Dutas thinks he should be compensated for his injuries that resulted from the club's negligence and breach of duties,
3. **The Circuit Court, city of Richmond:** A business invitor's duty to protect its invitee against criminal assault is limited to those instances where the invitor knows that criminal assaults against persons are occurring, or are about to occur, on the premises which indicate an imminent probability of harm to its invitee.

Points of View continued..

4. **Supreme Court of Virginia:** Although there's a special relationship between a business invitor and its business invitee, it is not inherent in that bare relationship an absolute duty of the business invitor to protect its invitees from criminal assaults by unknown third parties in its premises in question.
5. **Potential Customers:** If Glenwood Golf Club, Inc. wins this case, they might not be going to take any action preventing the occurrence of such criminal assaults by unknown third party. Therefore, the safety of their customers won't be insured.

Issues #1

Question: Is the business invitor responsible to warn or protect the invitees only when they are aware of the dangers?

Answer: No, this liability extends not only to those conditions of which the invitor actually knows but also to those of which he *should* reasonably know.

Issue #2

Question: Is the business owner liable for invitee's injuries resulted from criminal assaults if the incident is foreseeable?

Answer: Yes, the owner is liable for failing to warn or protect the invitees if they know that the assaults are occurring or about to occur.

Issues #3

Question: Can the plaintiffs always obtain punitive damages from civil lawsuits?

Answer: No, most courts permit a jury to award punitive damages only where the defendants tortious conduct has been intentional and outrageous, showing malice or a fraudulent or evil motive.

Concepts

1. Negligence

Conduct that falls below the standard established by law for the protection of others against unreasonable risk of harm.

2. Breach of Duty of Care:

In determining whether a given risk of harm was unreasonable, the following factors are considered:

- a. The probability that the harm would occur**
- b. The seriousness of the resulting harm**
- c. The social utility of the conduct creating the risk**
- d. The cost of taking precautions that would have reduced the risk**

Concepts Continued..

3. Duties to Invitees:

- The possessor of land is under a duty to exercise reasonable care to protect invitees against dangerous conditions they may discover.
- This liability extends not only to those conditions of which the possessor actually knows but also to those of which he/she should reasonably know.

Concepts...

4. **Submissibility**

- a. **To make a submissible case, a plaintiff must present substantial evidence for every fact essential to liability.**
- b. **“Substantial evidence is that which, if true, has confirming force upon the issues, and from which the trier of facts can reasonably decide a case (Hurlock v. Park Lane Medical Ctr. Inc.).”**
- c. **In determining whether the plaintiff made a submissible case, the evidence and all reasonable inferences to be drawn from them, are viewed in the light most favorable to the plaintiff.**

from Findlaw.com

Conclusion

The court's final decision was in favor of the defendant, so Glenwood Golf Club, Inc. does not need to compensate the injured party.

Interpretation of Conclusion

Business owner owed no duty to protect invitee from being robbed and shot by unknown third parties while on business premises, even though two armed robberies and one attempted robbery of business invitees had occurred on premises during preceding month; such level of criminal activity wouldn't have led reasonable business owner to conclude that its invitees were in imminent danger of criminal assault, there were nothing to indicate plaintiff invitee in particular was in such danger, and it would have been unduly burdensome to require owner to post security force for his protection.

Implications

1. Less business owners will take actions against criminal assaults that may happen on their business premises even though some criminal assaults may have occurred in the past few months.
2. Business owners will be more concerned about the money they could earn from the costumers' pockets instead of customers' safety beyond the reasonable care while on their business premises.

Implications Continued..

3. As invitees, customers will also have to be concerned about the risk of potential dangers while on business premises. Although there's a special relationship between a business invitor and its business invitee, it doesn't mean that the business invitee can always win the lawsuit against the business owner.

Implications...

4. In the future, the business owner will be liable for the injuries of the invitees in such kind of cases only when they fail to exercise *“reasonable”* care to protect them.



The End

