To Sections 2 and 4

From: Professor Swank

For class on Wednesday consider which, if any, of the following pleadings would be sufficient to state a claim under Federal Rule 8(a)(2). Does Official Form 11 provide a benchmark for judging any of these? Which satisfy Federal Form 11? Which are too vague? Are any of these pleadings too specific? Would Oklahoma require any differences in pleading this case? What is the general problem with paragraphs (d), (e), (f) and (g)?

(a) D is legally liable to P for damages.

(b) D negligently caused P's injury.

(c) D negligently caused P's injuries on July 4, 2009, at Dreamworld Amusement Park.

(d) D negligently operated a roller coaster ride on which P was a passenger on July 4, 2009, at Dreamworld Amusement Park. As a result of this negligence, P suffered a broken arm and was otherwise injured, and P incurred hospital and other medical expenses, and was prevented from transacting business, resulting in damages of $500,000.

(e) D negligently operated a roller coaster ride on which P was a passenger on July 4, 2009, at Dreamworld Amusement Park. D was negligent because it was operating the roller coaster at excessive speed and the ride was improperly maintained. As a result of this negligence, P suffered a broken arm and was otherwise injured, and P incurred hospital and other medical expenses, and was prevented from transacting business, resulting in damages of $500,000.

(f) CD D negligently operated a roller coaster ride on which P was a passenger on July 4, 2009, at Dreamworld Amusement Park. D was negligent because it was operating the roller coaster at excessive speed (the roller coaster was traveling at a speed of 32 mph, exceeding the safe speed by 5 mph) and the ride was improperly maintained. As a result of this negligence, P suffered a broken arm and was otherwise injured and P incurred hospital and other medical expenses, and was prevented from transacting business, resulting in damages of $500,000.

(g) D negligently operated a roller coaster ride on which P was a passenger on July 4, 2009, at Dreamworld Amusement Park. D was negligent because it was operating the roller coaster at excessive speed (the roller coaster was traveling at a speed of 32 mph, exceeding the safe speed by 5 mph), and the ride was improperly maintained. P was not contributorily negligent. As a result of this negligence, P suffered a broken arm and was otherwise injured and P incurred hospital and other medical expenses, and was prevented from transacting business, resulting in damages of $500,000.