

Peter, walking along the street at 10:00 p.m. on April 20, urgently needed to find a restroom. Just ahead was Dell's Supper Club ("Dell's"), which Peter had patronized a few times in the past. There was a sign on the door of Dell's that said "Restrooms for Patrons Only." He was not familiar with Dell's restroom. He entered the dimly lit club and was directed by a waitress toward a door marked "MEN". Peter opened this door and stepped into an even darker room. Just inside the door, Peter felt for and pushed a light switch, but no light came on because the bulb in the ceiling fixture was burned out. Nevertheless, Peter walked towards what he thought was the toilet, but tripped over a step, fell, and suffered severe cuts and bruises.

Later that night at Dell's John ordered a steak with mushrooms. Dell's used canned mushrooms purchased from Acme Foods, which three weeks earlier had discovered that some of its canned mushrooms had been improperly prepared and if eaten could cause botulism. Acme Foods notified all its customers of the problems with the canned mushrooms and offered to replace any cans of mushrooms purchased from them. Dell's received this notice, but disregarded it. John was served some of the mushrooms in question and as a result contracted botulism, recovering only after five days of severe illness and hospital treatment.

At 6:00 a.m. the next morning Carl, who was paid to pick up the garbage at Dell's, drove to the back of the club to carry out his duties. He did not see Dell's large guard dog chained next to the bin to keep out trespassers, and the dog was asleep when Carl entered the bin. As Carl walked to the bin, he startled the dog and it attacked Carl. The dog grabbed Carl's shoe and held on tightly. Carl managed to get his foot out of the shoe, ran to the fence surrounding the back of the restaurant, and climbed over it to get away from the dog. Once he reached the top of the fence, he fell to the ground on the other side and broke his leg.

What actions could Peter, John and Carl assert against Dell's, what defenses should Dell's assert, and what would be the probable results? Discuss.