

102.14 NEGLIGENCE ISSUE - NO DUTY TO ANTICIPATE NEGLIGENCE OF OTHERS.

Ordinarily a person has no duty to anticipate negligence on the part of others.¹ In the absence of anything which gives or should give notice to the contrary, *he* has the right to assume and to act on the assumption that others will use ordinary care and follow standards of conduct enacted as laws for the safety of the public.

However, the right to rely on this assumption is not absolute, and if the circumstances existing at the time are such as reasonably to put a person on notice that *he* cannot rely on the assumption, *he* is under a duty to use that degree of care which a reasonable and prudent person would use under the same or similar circumstances to protect *himself* and others from [injury] [damage].²

1. *Lucas v. White*, 248 N.C. 38, 43, 102 S.E.2d 387, 391 (1958); *Shirley v. Ayers*, 201 N.C. 51, 53-54, 158 S.E. 840, 841-42 (1931). See also *Lamm v. Gardner*, 250 N.C. 540, 544-45, 108 S.E.2d 847, 850 (1959); *Morgan v. Saunders*, 236 N.C. 162, 165, 72 S.E.2d 411, 412-13 (1952); *Hoke v. Atlantic Greyhound Corp.*, 227 N.C. 412, 418, 42 S.E.2d 593, 597 (1947); *Hancock v. Wilson*, 211 N.C. 129, 134, 189 S.E. 631, 634 (1937); *James v. Carolina Coach Co.*, 207 N.C. 742, 745, 178 S.E. 607, 609 (1935).

2. See *Wrenn v. Waters*, 277 N.C. 337, 340-41, 177 S.E.2d 284 (1970); *Chaffin v. Brame*, 233 N.C. 377, 380-81, 64 S.E.2d 276 (1951).