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Business Law 1122
Homework: 4

I. Jasetti, a jockey, fell from a horse while riding in a race. The accident left him a paraplegic. It occurred when Fell, the jockey riding next to him in the race, cut in front of his horse, causing Jasetti to fall. Jasetti sued Fell for negligence, claiming he broke racing rules by cutting in front of another horse before he was clear. Should Jasetti recover damages?

Jasetti should recover damages because Fell broke the rules of the sport. In most sports, one is punished for breaking the rules and in this case Fell should pay Jasetti for that.

II. Courtney, a twenty-two-year-old call girl, became involved with a married politician who paid her several thousand dollars for an ongoing relationship. Once Courtney's identity became known and her relationship with this politician discovered, newspapers and Web sites splashed photos of Courtney in suggestive poses along with write-ups on the front and inside pages. The photos distributed to the media actually came from MySpace pages. Her attorney lashed out at the media for thrusting the twenty-two-year-old woman into the public light without her consent. The attorney, further contending that she was not a public figure, indicated that he was taking steps to bring a lawsuit for defamation against the various media outlets that published her image and wrote about her. A spokesperson for the media lashed back and stated that the photos that appeared on MySpace were found to be noteworthy since the politician was in a high-ranking position. The spokesperson also made the point that the photos distributed were relevant to the story about Courtney's relationship with the politician. Do you think that Courtney's attorney has a case?

I don't think that Courtney's attorney had a case because the photos weren't private. They were found on the web meaning a lot

of people had already seen them. Unless Courtney tried to ruin her own reputation, there's no case here.

III. Daniels, age seventy, who was experiencing severe chest pains, was immediately admitted to South View Memorial Hospital. Dr. Rose, an internist and Daniels's personal physician for many years, did a thorough examination including an angiogram and concluded that there was a blockage in two arteries leading to the heart. Her diagnosis was that Daniels was having a heart attack. With Daniels's consent, surgery was immediately performed, but the severe chest pains did not subside. Consequently, Daniels's wife requested that Dr. Andrews, another well-known internist, take over the case. Dr. Andrews upon examination determined that the severe chest pains were actually the result of a kidney stone attack. He told Daniels's wife that such an attack often produced severe chest pains similar to the pains experienced by a person having a heart attack. Daniels, within a few weeks and with his consent, then underwent a procedure for dissolving the several kidney stones. As a result of this procedure, the chest pain subsided. Does Daniels have a case against Dr. Rose?

Daniels does not have a case against Dr. Rose, it's only malpractice if what she determined had nothing to do with what he actually had. A second doctor said that what he had could be confused with a heart attack. That throws the entire case out the window.

IV. Lacey Myers, seventy-six years of age, claims that she has suffered severe emotional distress over a situation concerning her dead husband who was buried by mistake in a section of the cemetery that isn't really a cemetery. Cemetery officials concede that the mistake was theirs and insist that the body will need to be moved to an appropriate part of the cemetery at no charge to Myers. She has been given an ultimatum to reach an agreement within a certain period of time, like one day, her husband's remains will automatically be moved. The struggle between Myers and cemetery officials has been going on for months through their attorneys. In her own words, Myers claims "that where a person is buried, that's where they should stay.

It's a sacred trust." Where her husband is buried there is plenty of open space and she claims that her husband loved the open space. A Cemetery official noted, however, that where her husband is buried will never become part of the cemetery. Under these circumstances, would Myers have an action in tort for severe emotional distress?

I don't believe Myers would have an action in tort for severe emotional distress. She seems logically sane and agrees that where her husband is where he should stay. She's also been given the option to move the body at no charge, but does not agree.

V. When his wife died of Alzheimer's disease in an Ohio hospital, Gomez instructed the attending physician to have her brain preserved for research purposes to help determine causes of the disease. The brain was placed in chemicals and sent to the National Research Lab for study. The package containing the brain, however, was lost when it arrived at the lab; it was never found. The husband, who said he would "never be able to totally bury" his wife because of the loss, suffered severe mental shock and was treated for several years by a well-known psychiatrist. For which tort or torts, if any, can the husband sue the National Research Lab?

The only tort I can Gomez being able to sue the National Research Lab for is emotional distress. The reason being that he went into severe mental shock because of the incident.

VI. Corey, a high school student, while in an electronics store noticed a sign on the wall that read "Free-Take One." Below the sign was a table with a box of pocket calculators mistakenly left there by a stock clerk. Corey put one of the calculators in his pocket and walked out of the store. Renwall, the store manager who saw Corey take the calculator, rushed out of the store after him shouting: "Stop you thief." Corey, unaware that Renwall was talking to him, disappeared into the large crowd on the street. Later that day, James, a customer who resembled Corey, went into the same electronics store and headed for the restroom. Renwall spotted the boy and, thinking it was Corey,

locked the restroom door and called the police. James had no means of escape since there were no windows in the bathroom. When it was discovered that James was not the one who was in the store earlier, the police released James. Does James have a cause of action against Renwall and the electronics store?

James does have a cause of action against Renwall and the electronics store. He was falsely imprisoned by Renwall at the store and had no way to escape.

VII. What effect did the Supreme Court decision in *New York Times Co. v. Sullivan* have on the laws of defamation as they existed in the various states?

This decision stated that from now on, a public official must prove that published statements about his or her public-not private-life were not only false and defamatory, but also that the person or persons who published them did so with actual malice.

VIII. Dr. Huggins, a dentist, was staying at the Ritz Hotel in Nashville, Tennessee, where he had a suite. When he went into the bathroom to shave, he flipped the light switch on the wall. When he did, he received a tremendous cut that threw him into the door frame, causing permanent injury to his right shoulder. He sued the hotel for negligence for failure to maintain electrical fixtures in a reasonably safe condition. The essence of his claim was that he could no longer work at his profession. Can Dr. Huggins legally recover damages from the hotel?

Dr. Huggins can legally recover damages from the hotel because he needs his arms to work. You can't be a good dentist if one of your arms only works at 50% because nobody would go to you.

IX. Coleman, a salesperson for a security company, wanted to get even with Cloos, the superintendent of the West Ridge School District, for not purchasing burglar alarms for the school district from Coleman's company. Coleman wrote a letter to the board of education falsely accusing Cloos of having been

arrested in a neighboring community for possession of drugs. She also wrote that Cloos paid the local politicians to keep the incident off the police records. On what grounds could Cloos sue Coleman?

Cloos could sue Coleman on the grounds of libel. He can do this because Coleman wrote a false statement to try and injure Cloos' reputation.

X. Marks was meeting her sister and a friend for dinner at a swanky restaurant. It was a warm summer evening, and because she was early, Marks decided to wait outside. She stood in front of the restaurant until her sister and friend arrived. Within a few minutes, a police car drove up and a police officer got out and forced Marks into the car, accusing her of being a prostitute. She was taken to the police precinct station, where she was questioned and released without being charged. She had no previous convictions and was employed as a full-time account executive at a local securities investment firm. Can Marks sue the police department for false arrest?

Marks can sue the police department for false arrest because she was unauthorizedly detained by an officer of the law.

XI. Popovici, an untenured college English teacher, was being considered for permanent appointment. When the president of the college discovered that she was separated from her husband and seeking a divorce, he brought this information to a board of trustees meeting and recommended that she not be rehired at the end of the term. The board of trustees agreed, and Popovici was not granted tenure. She was then requested to leave her teaching position as soon as the current school year ended. The president's request to the board that Popovici not be rehired was based strictly on his fear that her divorce would harm the college's "image." Popovici was otherwise considered an "excellent teacher" and had been recommended for tenure by her department chairperson. Did the president's recommendation to deny Popovici's tenure appointment, based on her marital situation, constitute a wrongful intrusion into her private life?

The president's recommendation to deny Popovici's tenure appointment constituted a wrongful intrusion into her private life. I say this because her going through a divorce is nobody's business. Her private life shouldn't play a role at work.

Cases for Review

I. The store owner does have a case against the TV station. The careless mistakes the TV station committed ruined the man's reputation, as a result people looked at him in a sour manner.

II. In my opinion Pachowitz does have a case against LeDoux. I say this because even if LeDoux's intentions were to help out Pachowitz, she shouldn't be talking about someone else's private life like that.

III. Burdett's statement was not grounds for slander because the claims weren't false. They called him a crook which was correct because he owed them money.

IV. Fischer should be successful in his case because it wasn't his fault that wires were causing problems. All the man wanted was a bottle of pop.

V. Kimberly and her family don't have a good cause of action in this case. The law allows for merchants to have reasonable cause to believe that a theft of goods has occurred.

VI. Gonzalez's decision to ride with Garcia does amount to negligence that makes him partially liable for the accident.

VII. I believe that Dr. Richard Jackson won the case. I say this because both the plaintiff and defendant, as doctors, failed to reveal information that was significant to the medical malpractice case.

VIII. Gielskie should succeed at claiming medical malpractice. I say this because if there was no clear way to put the injection in, it shouldn't have been released to the public.

IX. The court should not accept that line of reasoning because Berger asked before hand if it was hazardous to go in. He was told no, that it was just a fire, but they lied to him.

X. Hairston's wife should succeed in her lawsuits against Haygood and the Alexander Tank and Equipment Co. I say this because Haygood is responsible for selling a defective car and the negligence Alexander committed while driving did cost the man his life.