

Legal memo



**ASSIGN
BUSTER**

I chose to say contributory negligence because we cannot deny that cases of beer were not properly secured in our vehicle, proving that it was some percentage of our own default. 'The plaintiff shall be barred from recovering damages if the Trier of fact finds that the contributory fault on the part of the plaintiff is more than 50% of the proximate cause of the Injury or damage for which recovery is sought. Illinois State Statute 735 ILLS 5/2-1116(c) (2011).

Thus we must provide proof that the plaintiff, Mr..

King contributed at least 51% of the negligence. A similar case would be *Attainment v Modern Industries, INC.* 960 F. Ad 692; 1992 U. S. App. LEXIS 6205. This case involved a collision between a truck (Defendant, Modern Industries) and a person (Attainment). Attainment died due to his injuries resulting from the accident. The decedent's mother brought a wrongful death suit against Modern Industries. Attainment was found to be 51% at fault thus the claim against Modern Industries was denied.

Attainment's actions before he collided with Modern Industries are what led to the accident in the first place. An example of one of Attainment's contribution to the accident is: " No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic or a period of time longer than necessary to load or unload passengers. Ill. Rev. Stats. 1989, ch. 95 1/2, par. 11-1407. Legal Memo PAP 10 By Jeroboams that cases of beer were not properly secured in our vehicle, proving that it was some percentage of our own default. " The plaintiff shall be barred from recovering is more than 50% of the proximate

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