

Business law case study part of ibis

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They were the result of negligence on the part of IBIS who failed to mark boundaries that separates the slopes and caused Craig to crossover onto another slope, walking directly into Ale's path and colliding into him, causing severe bodily harm. Key Facts of the Case Alex was Injured on the slopes at Bethlehem Ice Solutions (IBIS) when he collided into Craig who walked into his path while he was skiing. The defense may argue contributory negligence but it is a fact that Alex exercised reasonable duty and care while skiing but could not avoid Craig.

Defense may also argue assumption of the risk, however, Alex is aware that skiing is a dangerous sport that can inflict bodily harm but he exercised the proper caution while skiing and should not have to be subjected to obstacles and dangerous situations due to the negligence of IBIS. The legal principle Causation – cause in fact – comes into play here because Alex would not have been injured but for the negligent actions of IBIS.

Craig was able to cross over onto the slope where Alex was skiing because of negligence on the part of IBIS who failed to correct their poorly designed slopes with clear boundaries in order to prevent skiers being able to cross over. Also, under Subdivision 7 and also subdivision 8 and 14 of New York Code Article 18, IBIS is responsible for developing and maintaining a written policy for situations involving the reckless conduct of skiers, which includes procedures for approaching and warning skiers of reckless conduct.

Because of their lack of adherence to this code, there were no IBIS personnel on the slope to stop Craig from acting recklessly and crossing over into Ale's path. Craig decided to walk across the slope due to the difficulty he

encountered while skiing on a slope that was originally earmarked as a less difficult slope to ski on. He was instructed to use this slope by IBIS employees, Dan and Baby.

They sent him down a slope that was more difficult than what he was capable of because they were not properly informed by their employer about the changing conditions of the slope due to the recent snowstorm.

Dan and Baby did not implement risk reduction. Properly trained ski staff should be aware of changes in ski conditions due to the weather. In ten seasons, IBIS has a responsibility to provide a safe environment for its guests and workers. It is also liable for the actions of its employees, Dan and Baby, because the employees' actions were for the benefit of the employer. IBIS is guilty of breach of duty of care because it failed in its duty to maintain its slopes and did not provide visible information boards stating which slopes were open or closed and the degree of difficulty of each slope.

As ski operators, IBIS has a responsibility to provide a safe environment for its guests and workers and is obligated to operate under New York Code Article 18: Safety in Skiing Code. Section 18-103. Section 5 of the code states that an information board or boards should be displayed showing at minimum the location of tramways, slopes or trails, the status of each trail – open or closed, the relative degree of difficulty of each slope or trail, and the general surface condition of each slope or trail.

Damages As a result of IBIS' negligence, Alex Johnson suffered extensive injuries including physical impairment and has had to undergo excruciating rehabilitation. Because of past and future pain and suffering, mental

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anguish, physical impairment, medical care and loss of earning capacity that Alex has and will endure, we ask for damages in the amount of \$1 Closing Argument Skiers come to IBIS for recreational enjoyment and as long as they exercise the required amount of caution and exercise due care, they expect to remain out of harm's way.

Students: Paulette Gemots and Sales Marshall Date: 2013-10-19 Imagine your excitement at hearing your favorite ski slope is staying open for an extra weekend, giving you some more time to hone your skills as a professional skier. You set aside a few days to drive up to the slopes and ski until your heart's content. But during one of your ski sessions, as you're speeding down a hill, a person suddenly walks into your path and there's just no time to avoid them. The impact is sudden and the injuries many.

On that fateful day a fellow skier, Craig, decided to ignore the instructions of two employees of Bethlehem Ice Solutions (IBIS), Dan and Baby, to ski down a slope (Willie's Wonder) that was best suited for his ski level.

He negligently decided to leave the suggested area and enter into the path of another slope without taking the precaution to see if any skiers were approaching. Craig admitted to his breach of duty of care and settled a suit with the plaintiff Alex Johnson. In the only one of the incidents, not ten SKI resort or its employees. Both employees acted professionally and chose the best slope based on his skill level. Key Facts of the Case Alex Johnson was injured as a result of Craig's negligence, which he admitted to and settled.

Alex's injuries were not caused by Bethlehem Ice Solutions. There is a clear case for contributory negligence, because both skiers were at fault, Alex for the assumption of risk and Craig for breach of duty of care because he failed to take precautions on the ski slopes.

IBIS should not be held responsible for Craig's inability to handle the slope and his decision to take it upon himself to walk onto another slope that required more experience. A reasonable person would have concluded that the best way to exit a slope was to follow the path of that slope to avoid the risk of injury to themselves and other skiers. IBIS did not breach duty of care because according to " N.

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LAW 18-105: NY Code -Section 18-105: Duties of skiers" 10-11, each skier shall have the duty not to willfully stop on any slope or trail where such stopping is likely to cause a collision with other skiers or vehicles and to yield to other skiers when entering a trail or starting downhill. Craig neglected his duty to both. Contributory negligence occurs when a plaintiff's conduct falls below a certain standard necessary for the plaintiff's protection, and this conduct cooperates with the defendant's negligence in causing harm to the plaintiff.

The plaintiff has the duty to protect himself from possible harm. With the doctrine of assumption of risk as a valid argument Alex was fully aware of the inherent risks of skiing. So damages should not be awarded from IBIS or its' employee's. Bethlehem Ice Solutions had posted at every point of sale and distribution of lift tickets a " Warning to Skiers" containing text and <https://assignbuster.com/business-law-case-study-part-of-ibis/>

graphics informing each skier of the inherent risks of skiing in accordance with regulations of the labor law.

IBIS is being sued for the actions of its employees in sending Craig down Willie's Wander.

There was no negligence in sending Craig down a slope that matched his skill level. When he inquired as to which slopes were open and suitable for a moderately skilled skier, Dan and Baby directed him down Willie's Wander, a slope that had always been a relatively easy run. They did not direct him down a slope that was for expert skiers like the slope where Alex Johnson was skiing. IBIS is not liable for negligence in this case. THE JURY'S VERDICT.