

Others

Law



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Question Jill's case From the information provided, it is clear that Jill had taken every step in ensuring that the animals he kept did not cause any danger to the city's population. For this reason, there is a high possibility that the court will clear him of any wrongdoing, especially where he is sued for negligence. To determine whether there was any negligence, for instance, the court may need to focus on whether Jill owed the population a duty of care, and whether he did all that was necessary to achieve this. Secondly, the court may also focus on whether Jill could directly be implicated to the loss incurred by his neighbor (this was after his cougar killed a pet dog).

From the evidence given in the case scenario, Jill had taken all the necessary means to ensure that everyone in the neighborhood was safe. This means that he had fulfilled his obligations of duty of care. It is evident that he had anticipated the threat posed by the animals, and therefore taken proactive measures. It is also clear that he was not responsible for the release of the animals in the neighborhood. A third party (protesters) went at night, and released all the animals, hence leading to the loss incurred by the neighbor. It was a surprise attack, meaning that he did not have much time to alert the authority. If he had also been given a permit to keep the animals within the neighborhood, then he should win the case. On the contrary, if the relevant authority had not been consulted, then he has a case to answer for putting the lives of citizens in danger. As it stands, though, he will win the case against his accuser.

Question 2: case of Frank and Shah

In the case of Frank and Shah, both individuals can be awarded remedies by the court as compensation for wrongs done. Shah will be found guilty of

battery, owing to the fact that he made a physical contact with Frank. This is demonstrated by the broken nose and significant bruises. Shah failed to control his emotions, and instead chose to attack an unarmed individual, who also did not cause any threat to his life. He cannot argue that he was trying to defend himself from any attack. On the contrary, it was Frank who tried to protect himself. Even if he got very angry after being accused of shoplifting, he used excessive force, going to the point of causing physical injuries. Further, he should have reported the matter to the relevant authority, instead of taking attacking the accuser. For these reasons, it is possible that he will be found guilty of battery, and will be required to pay for damages.

On the other hand, Frank has also a case to answer, since defamation is also a civil wrong. He accused Shah of shoplifting from a store. He can be accused of a libel act, in the sense that he may have made some false accusation. This is a serious case owing to the fact that it tarnishes one's reputation, and could also have some negative psychological effects. For this reason, the court may award Shah damages, if it is convinced that the utterances were malicious, and not based on any objective evidence. However, if he can substantiate the allegations by providing concrete evidence in court, then this he will not be found culpable of the offense.

Works cited

Business Law: Torts I and II, Lecture slides