

# Essay summary of law 421

Law



Week 3 Law 421 | | David Tiffany UOP | Shalandrea Jones | October 29, 2012 |

Torts are civil laws that are broken and are rules for lawsuits. When these rules are broken they can result in injury and harm this is usually the basis for the claim. Torts are punishable by imprisonment but in most cases tort law is to provide relief for damages and to stop others from doing the same thing. The injured party can sue for loss of earnings, pain and suffering, and medical expenses or present and future.

Torts can fall under 3 categories intentional torts, negligent torts, and strict liability. Intentional torts include intentionally hitting someone, negligent torts causing a traffic accident, and strict liability, making and selling defective merchandise. Tort law also includes the areas of nuisance, defamation, invasion of privacy and economic torts. The first case deals with keyless entries that malfunction. This is an example of a strict liability this law a law applies to manufactures that manufacture and sell products that can be potentially harmful to the consumer.

Strict liability tort and negligent tort are similar but with strict liability the victim does not have to prove their negligence. In the case of the keyless entry the malfunction occurs when the car owner exits the car. At this time the car should automatically shut off after a certain period of time. However the car does not and the engine continues to run. The car owners often park their cars in garages that are not ventilated and do not hear the engine running. This malfunction of the car caused more than one case of carbon monoxide poisoning.

One car manufacture states that they do offer additional warning about cutting the engine off and the consequences of not doing so. The car

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manufacturers can be held liable for many different lawsuits not only from the families of the people who died but also from the survivors. Law expert. com defines negligence as “ the failure to use ordinary care”. Negligence can occur when someone does not exercise the amount of care that a person would use under the circumstances or somebody does something that a reasonably careful person would not do under the circumstances.

Automobile accidents are often example of negligence. In order for an act to be considered negligent certain actions must be established. 1. The defendant owed a duty to the plaintiff. 2. The defendant violated that duty. 3. As a result of the defendant violation the plaintiff suffered injury. 4. The injury was a reasonable consequence of the defendant action or inaction. Law expert. com also provides an example of negligence. A person driving a car has a general duty to use the car in a safe and responsible manner. If that driver runs a red light, that driver violates that duty.

As it is understood that running a red light can cause a car crash and that people are likely to be injured in such a collision, that in fact results to others in a collision resulting from the person running the red light. Gross negligence means that conduct or failure to act that is so reckless that it demonstrates a substantial lack of concern. For example a government employee on the job and an incident occurs because the employee is on the job they may be immune from liability for ordinary negligence but may remain liable for gross negligence.

The second example with the bouncy house is an example of negligence and possible gross negligence. I think that the company that promotes and sets up the bounce houses should inform the customer of the possibility of the

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houses blowing away and not set them up in windy conditions. Also in states where proper restraints are not required they should be. Wind, weight, or a number of other factors can cause the bouncy house to take flight. I believe that it is reasonable to tie down the bouncy houses so that the customers are secure as possible.

In states that do not require regulations they are leaving themselves open for gross negligence charges if an incident does occur. Almost every jurisdiction a person is responsible for all losses and damages that result from his or her negligence. With certain exceptions owners, people who handles pets, and people that harbor pets can be held responsible for injuries caused by their pet. Negligence is also defined as the lack of ordinary care. An example of an unreasonable action would be a dog owner letting go of his dog's leash when another dog approaches so that the dogs can play.

An unreasonable action might be the failure to keep a dog away from a guest when it is prone to play rough or knock people down. Negligence is also considered when an adult places a watchdog in the room with a sleeping infant. If a person fails to protect a visitor from a potentially dangerous pet this falls under the doctrine of premises liability. Landlords, landowners and management companies can be held liable and responsible to their tenants failing to get rid of a vicious animal. The final example with the ferret this is an example of negligence. Any animal has the potential to be vicious if it is exposed to new people or feels threatened.

So if the homeowners have company it is best to keep the ferret in a cage or in a room with the door closed to avoid possible injuries to their guest. If the

pet owner follows all necessary precautions an incident occurs then they will not be liable for the incident if one occurs. References [www.lawcornell.edu](http://www.lawcornell.edu) [www.lawexpert.com](http://www.lawexpert.com) [www.lawinformationlive.com](http://www.lawinformationlive.com) <http://today.msnbc.msn.com/id/26184891/vp/41640372#41640372> <http://today.msnbc.msn.com/id/26184891/vp/43292258#43292258> <http://www.cnn.com/video/#/video/us/2011/01/11/dnt.ferret.attacks.infant.kctv?hpt=T2>