

Brandy austin essay sample

[Law](#), [Court](#)



If the court applies the doctrine of stare decisis in the case where the members of AOL that got their information mistakenly made public are filing a suit against AOL then the court would not dismiss the suit. AOL is arguing that its forum-selection member agreement states that Virginia courts are the place where member's disputes will be tried. However, according to the Supreme Court a forum-selection is basically irrelevant if it contravenes with a strong public policy. Stare decisis means that the court must uphold prior decisions. And in the state of California, courts have declared in other cases that the AOL clause contravenes a strong public policy. Therefore, if the court applies stare decisis the suit will not be dismissed and the members of AOL can continue with their case against AOL in California.

The case involving Brandy Austin filing an action against Nestle in Hennepin County District Court in Minnesota for contamination of infant formula with *Enterobacter sakazakii* bacteria should be transferred from a Minnesota to a South Carolina venue. This is true because when it comes to the location of jurisdiction for a trial, venue is concerned with the most appropriate location for a trial. The venue is to be chosen based on where it may be more appropriate or convenient to hear the case, and also in the geographic neighborhood where the incident occurred or where the party resides. In this case the venue should be changed from Minnesota to South Carolina because the alleged tortious action on the part of Nestle occurred in South Carolina and also Austin is a South Carolina resident and gave birth to her daughter in South Carolina.

I do not believe that Connecticut state court should lift the order against the request for continuous discovery for the case in which Rita Peatie filed to

recover for injuries to her head, neck, and shoulder against Wal-Mart. The trial was not held until two years after the alleged injuries to Peatie's head, neck, and shoulder, and even ten days before the trial the court was asked and granted the plaintiff four more months for discovery.