

# Business law

Law



Kiesau v. Buchanan County & Davis Issue: Should Davis & Buchanan County (Appellees) have summary judgment in their favor on Kiesau's (Appellant) negligent supervision and retention allegations?

Facts: The case involved an alleged invasion of privacy and defamation between two deputy sheriffs, Bantz and Crystal Kiesau, serving at Iowa's Buchanan County. Bantz altered Kiesau's photograph obtained from K-9 program website (in which she was originally in uniform and standing with a police dog next to a Sheriff's department). Bantz mailed the altered photograph, depicting Kiesau's breasts, to several recipients. After first ruling in Kiesau's favor, she mentioned alleged negligence by Buchanan county and Leonard Davis, the sheriff, stating their failure to supervise Bantz's conduct. Based on the second case, Buchanan County and Davis also committed negligent retention of Batz as an employee despite several complaints of misconduct against him (Batz). Evidence presented in the second case included recommendations by Lieutenant Furness, to Davis, proposing termination of Batz as a canine handler. Evidence by Captain Hepke also proposed disciplinary actions against Batz. Davis disregarded all the complaints about Batz as submitted by different parties. On the first instance, a jury returned a ruling that favored Kiesau and offered her \$ 160,000 as compensation. For the second instance, the court ruled against Kiesau by dismissing the negligent supervision and retention claims against Buchanan County & Davis.

Rule: In the case, Buchanan County & Davis (Appellees) violated laws that disallow negligent hiring and retention under Iowa State Laws (Center 541).

Argument: Under the laws on negligent hiring and retention applicable in Iowa State, Buchanan County & Davis, were liable for wrongful conduct by <https://assignbuster.com/business-law-essay-samples-17/>

facilitating Bazt's tortious actions through failure to act on several recommendations and complaints.

Conclusion: The case involved claims of negligent supervision and retention against Buchanan County & Davis.

PC 8, SS, Grandchamp (1947).

Facts: Ammonium Nitrate is a strong oxidizing agent that can facilitate massive combustion on combustible materials.

Ammonium nitrate can explode if confined under exciting conditions of heat and pressure.

Issues: Were the Republic of France and the French lines liable for the resultant injuries owing to obvious laxity in rules and regulation on smoking at the port loading and offloading bay backing constitution of approximate cause?

Issue: were the superseding secondary causes probable.

Rule: Negligence is an actionable tort. Both definite and most probable causes are essential defense for negligence recovery.

Rule: If the subsequent action, force, or occurrences that are evident as direct contributors to the injuries suffered by the plaintiff were not probable, many juries hold that it is an intervening cause. Subsequently it pardons the defendant of liability from dangers that trace back directly from the superseding cause.

Complainant the US government reason that the French cargo ship crew did not task up, the complainant argue that the crew should have foreseen risk of explosion from the transported FGAN, which is in normal regulations set by the governing bodies on transportation of hazardous materials deem fire hazard. The ammonium nitrate gas is explosive if exposed to combusting

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materials. With this knowledge, the French line cargo service should have defined rules that regulate fire existence, smoking, and safety on leakages for on board crew.

The complainant can also base their argument on the secondary liabilities; because the explosion was foreseeable, the intervening causes after the fire do not pardon the defendant from responsibility. The defendant is liable for the secondary events occurring because of the direct cause affecting the plaintiff. French line, therefore, is responsible for all materials damaged afterwards.

The defendant could make a response that failing to predict long stretch effect of the explosion is pardonable because the cargo was only transporting fire hazards. The explosion and its intervening effects is not a proximate cause of plaintiff's injuries. With that, therefore, the actual and proximate cause of plaintiff's injuries is the fire that is occurring because of third party intervention relieving plaintiff's liabilities.

Conclusion: Fire and explosion constitute actual and proximate causes of plaintiff's injuries. French line cargo service, therefore, is liable for all the damages resulting from laxity in enforcing safety rules.

#### Work Cited

Center, Inc The Media Law Resource. MLRC 50-State Survey: Employment Libel & Privacy Law 2013. Oxford: Oxford University Press, 2013. Print.