

Tort law: case analysis

Law



Tort Law: Case Analysis This paper aims to provide guidance for understanding the nature of the case chosen for this assignment where one plaintiff named Jerry who was diagnosed with a thick skull since childhood. As a matter of fact as evaluated in the case, Jerry has been made a patient of extreme head injuries and severe concussion by Tom who is a hockey player, the paramedical officer who provided first aid to Jerry and the surgeon who treated him carelessly. Following are the cases providing in-depth discussion regarding the types of damages that have been made to Jerry by each defendant. It should be noted that the case damages will be studied within the context of Tort Law since it is the only law being practiced at Smallville where this accident was taken place.

The case that Jerry can pose against the doctor is of the Negligence tort. It should be noted that the doctor was basically on the breach of the duty of care as per the Tort law. Jerry being a plaintiff can prove few elements of negligence in this case. Firstly, defendant owed duty of care through the doctor-patient relationship. Secondly, the doctor failed to find out that there was a piece of glass in Jerry's head (Landes & Posner, 1987). Thirdly, the stitching with glass piece inside the brain caused Jerry a loss of vision from his right eye. Fourthly, the vision loss was because the glass piece was not taken out by the doctor. Finally, the impact of this negligence caused a proximate cause of loss of vision. As a result of this case, it is expected that the doctor will have to pay a damage fee to Jerry. Also, the doctor will have to lose his medical certificate as doctors are supposed to treat the patients and not result into a cause behind further damages and injuries such as loss of vision in the case of Jerry (Elliott & Quinn, 2013).

Jerry can also sue the paramedic's professional who at the time of first aid

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dropped a bottle of glass. It should be noted that it caused Jerry a further cause of damage. However, the case of paramedic staff is not strong as doctor because he did not intentionally drop it. However, it surely the time when the professional was actually owes a care of duty. In addition, the piece of glass which was left behind in the skull of Jerry could have been removed by the surgeon but it got critical further as it was not checked. Knowing the fact that the pieces of glass were actually dropped in the skull, the paramedical professional must have ensured that he has reported to the surgeons which could have been further checked for any damage. Thus, the defendant is supposed to prove his point. The end result which is expected from this case is that the paramedics' professional will not be suspended from his duty but he will owe a fine which was on Jerry to decide (Edwards, Edwards, & Wells, 2011).

Lastly, the case that Jerry can make against Tom would be based upon intentional tort. However, the defendant Tom may point out that it was Jerry's fault that caused Tom to get aggravated. It was the reaction by Tom which was caused by the action of Jerry to call him a weak player and comparing him with a small child. Considering the fact that Tom was already in a depression as he missed the shot, he threw the hockey stick on Jerry causing him to get a concussion. Jerry can pose a number of elements to prove Tom to be culprit behind the accident by showing evident of over reacting at the situation (Harlow, 2005). The injury caused by the hit of hockey on the head should be brought to the court in the form of documents. There is a slight degree of proof in defense of defendant if proven that Tom was just a substantial actor within the accident as further issues were caused by the paramedic professional and surgeon. Utmost, Tom is main subject

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which have raised the issue to the point where Jerry had to undergo extreme cause. There can be a substantial charge against Jerry as well as he said defamatory sentences against the player. This may be exempted while recording the amount for fine purpose. I believe that the end result of the case by Jerry as a plaintiff towards Tom as a defendant would be fine to be paid. The amount of fine will be selected by the plaintiff (Landes & Posner, 1987).

References List

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Landes, W., & Posner, R. (1987). *The Economic Structure of Tort Law*. New York: Harvard University Press.