

Business legal analysis essay



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Step 1: Ms.

Jones' lawsuit alleging negligence on the part of TWS for failing to maintain a safe entryway to the store needs to meet the four elements required for negligence: (1) a duty of care; (2) a breach of the duty; (3) causation; and (4) injury. Step 2: TWS claims Ms. Jones was comparatively negligent in an attempt to reduce the total damages that Ms. Jones can recoup which is decided upon the degree to which Mr. Jones' personal negligence contributed to cause the injury inflicted by the brown and squished banana peel. Step 3: According to the plaintiff, Ms.

Jones, she slipped on the brown, squished banana peel around 11: 30 am, on July 15th, outside of the entrance to TWS's entrance. The first element that Ms. Jones' legal team has to identify if they are to prove negligence is if TWS adhered to a standard of reasonable care while performing any cleaning of acts of their parking lot, curb and entrances that could foreseeably harm others – duty of care. Next, Ms.

Jones' legal counsel needs to identify that TWS is in breach of their duty towards Ms. Jones by proving their conduct fell short of the standards expected. Finally, Ms. Jones' lawyers must prove the brown, squished banana was the causation of Mr.

Jones' injury of soft tissue damages. Step 4: TWS's defense in this liability case is focused around absence of fault because of Ms. Jones' alleged comparative negligence. TWS's legal team will have to identify if Ms.

Jones' failure to wear her glasses was part of the causation of Ms. Jones' injuries. Also, TWS's legal team needs to provide evidence that Ms. Jones' injuries are aligned with pre-existing injuries from an accident she suffered six months prior to her incident in front of TWS's entrance. Step 5: TWS employs a cleaning company to clean the outside parking lot, curb, and entrance way at 9: 00am, 2: 00pm, and 7: 00pm. Since Ms.

Jones' is claiming TWS failed to maintain a safe entryway she is claiming that TWS should clean their entrance area more often to reduce the risk of injury. Step 6: The court will have to determine if the brown, squishy banana was not cleaned up at 9: 00am or if the banana was placed there after 9: 00pm. Also, the court will have to determine if someone driving in their car threw a banana out the window; a very hard position to prove. Step 7: The main issue in this case is: since Ms.

Jones was not wearing her glasses the day of the injury, the court will look at whether or not she was acting negligently since she has been prescribed glasses for her nearsightedness. In addition, the court will have to determine if TWC is responsible for aggravating Ms. Jones' condition under the "thin skull rule" which means TWC is still liable even if Ms. Jones was susceptible to another similar back injury.

In whether or not TWC was acting in negligence, a court will look at the tortfeasor's actions to determine if the scheduled cleaning times do not create a risk of consequences for their customers. Also, the court will have to look at whether or not TWC created their cleaning schedule after conducting

the research necessary to determine the foreseeable risks the schedule could create.