

You decide: court case

Law



LAW CASE STUDY of Affiliation LAW CASE STUDY Susie, a minor was injured in an accident which a fellow minor Jerry, who was a licensed driver of the truck. This follows a direction from Officer Ruthless instructing Susie to board the back of the truck even after Susie had informed him of her wish to walk home by herself or alternatively wait for Orson her friend. In a bid to avoid curfew being enforced while they were still in the park, they left. Jerry made two stops, one just four doors from Susie's house but she did not leave the truck. At the time the truck lost control, causing the accident, one - half hour had elapsed since they left the park area. Susie sued Ruthless and city Elsewhere park for negligence.

The question to be answered is whether Elsewhere City Park and Ruthless acted negligently by asking Susie out of the park and to board Jerry's truck that occasioned the injury.

In tackling the legal question, the following legal concepts are crucial to prove negligence: First, the defendant need to owe the plaintiff the duty of care which means that the actions of the defendants should be reasonable in a manner to foresee a risk or harm. Secondly, the defendants in his actions should have breached this duty of care owed by acting in an unreasonable manner (Putman, 2008). Finally in acting unreasonably and breaching the duty owed to the plaintiff the defendant lead to the injury suffered by the plaintiff. The injury ought to have been reasonably foreseeable consequence of the defendants action or inaction and the plaintiff did not contribute to it in any manner (Statsky and Wernet, 1995).

In this case, the Elsewhere city park owed a duty of care to the plaintiff while she was in the inside the park. Officer Ruthless acted according to a reasonable man in his profession by asking the plaintiff and friends to leave <https://assignbuster.com/you-decide-court-case/>

the park. It was 11. 00 pm, the park was to close and curfew would have been enforced. The direction offered by the officer for minors to leave the park was within his official duties. He thus acted reasonably by asking the plaintiff and the rest to leave the park. The only safe means was for her to board Jerry truck and not to walk alone or wait for Orson whose return was unknown. Therefore the defendant in asking Susie out of the park did not breach their duty of care to her but acted in line of their duty as a reasonable police officer of Elsewhere police department.

The injury brought about by the accident is in no way occasioned by the breach of duty of the officer and the park. Their actions were reasonable unto the benefit of the plaintiff and were not directly the cause of the accident. The state allowed people to ride in the back of camper trucks without seatbelts and therefore the officer did not act carelessly. In any case the second stop by Jerry would have allowed the plaintiff reach her home as it was four doors away from her home. It is worth noting that the minors took one-half hour on the road before the accident occurred yet Susie's home was a walking distance from the park.

It therefore follows that neither officer Ruthless nor the Elsewhere city park were negligent. They were not the proximate cause to the accident. However the plaintiff acted unreasonably by failing to alight even when they were four doors away from her destination. If she was willing to walk from the park to her home, four doors away would not have been a long distance for her. Officer Ruthless and the city park were therefore not liable.

References

Putman, W. H. (2008). *Legal Analysis and Writing*. New York, NY: Cengage Learning.

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Statsky, W. P. and Wernet, R. J. (1995). Case Analysis and Fundamentals of Legal Writing. New York, NY: Cengage Learning.