

# Legal research

[Business](#), [Company](#)



Samaritan Smith slipped and fell on shampoo that had spilled in the health and beauty department of the grocery store in question. Ms. Smith had suffered a broken hip from the incident and is going to be spending the next few months in physical therapy. Ms. Smith has no health insurance and is a single mother of a 2 year old boy. After our complaints were filed in the courts; the grocery store alleges that Ms. Smith had a duty herself to avoid the spillage, but was too distracted by her young son to notice. The store feels that Ms. Smith should be held just as responsible as they are in the case.

The question being presented today, is if both parties involved are equally responsible? Ms. Smith does in fact possibly hold some sort of comparative fault in this case. The grocery store did complete their scheduled aisle check just thirty minutes before Ms. Smith slipped. INDO. Code Ann. 534-51-2-5 (WEST 1998) states that "In an action based on fault, any contributory fault chargeable to the claimant diminishes proportionately the amount awarded as compensatory damages for an injury attributable to the claimant's contributory fault, but does not bar recovery".

There are several factors in that can place Ms. Smith with comparative fault. The biggest fact being that she was not paying attention, because she was dealing with her 2 year old son. It does not seem that the store is not at all responsible for the injuries she sustained. Yes, the aisle check was done at the scheduled time, but it was checked by an older gentleman that wore prescription glasses. As in *Wall-Mart v. Wright*, 774 EN ad 891 (2002) where Wright was found at comparative fault and awarded 30% less in damages, this too could be the case with Ms. Grants Ms.

Smith states negligence on the grocery stores behalf, but she too had a duty to pay attention to her surroundings. The grocery store in question has documented proof of an aisle check being done at 1 p. M. The shampoo could have spilled anytime between 1: 00 and 1: 30 p. M. In conclusion Ms. Smith could very well hold some comparative fault if the grocery store can prove that she was distracted enough by her child, that she was unable to notice the spillage. [Where are the headings in your memo? I have no idea where your memo components are. ] Wall-Mart stores Inc. V. Got, 774 EN ad 891 (2002) Wright originally sued Wall-Mart for Injuries she sustained when she slipped and fell on a puddle of water in the " Outdoor Lawn and Garden Corral". Wright insisted Wall-Mart was negligent in the maintenance and inspections of the premises. Wright was found at comparative fault for not doing her duty as an Individual and shopper and paying attention In an area of the store where it was common for water to be on the ground. Description Weighting Possible Points Points Earned Content Student located a statute from the appropriate Jurisdiction.

The statute that the dent located is on the appropriate issue and applied to the fact situation. Student provided proper citation of statutes. Student located a case from the appropriate Jurisdiction that interprets the statute. 32 Sentence Mastery Sentences are consistently grammatical. Major sentence-level errors, including fragments, run-ons, and comma splices, are avoided. Sentences are graceful, I. E. , they can be read aloud without awkwardness, awkward pauses, or running out of breath. Language is rich, precise, and vivid. 6 Grammar and Mechanics Spelling is proficient. Spellchecker has been used to avoid egregious errors.

Grammar and mechanics are sound, including mastery of the following key elements: subject-verb agreement; verb form; appropriate punctuation and capitalization; apostrophe use; appropriate word use. There are no extra words, and there are not missing words. Organization and Format  
Organization and structure are clear and easy to follow. Writing shows clear purpose and orderly transitions from beginning to end. Sentences consistently establish this organization and flow rather than interrupt it. Format meets PAPA guidelines and Bluebook rules as appropriate, including use of title pages.

There is no playful experimentation with fancy fonts. It is written for the appropriate audience. Citation Style Writing shows both internal citations in the body of the text as well as a proper list of references at the end of the paper, following PAPA or Bluebook format. Citations appear consistently where needed, whether following quoted or paraphrased material in the text. Note: In papers requiring secondary sources, failure to provide any citation does not result in a deduction of 10% from the paper, but will result in a failed paper and a plagiarism investigation.

Total: 100% 60] Possible Points [50] Points Earned Additional Instructor  
Comments: FRIAR for Samaritan Smith scenario Facts [Your own paraphrase of the facts of Smith's problem in one or two paragraphs. This goes to the Analysis section, so do not skimp. ] Issue [Your own statement of Smith's problem in a single sentence in yes or no format. For example, " Can Samaritan Smith recover for the damages she endured as the result of a slip and fall at a local grocery store where shampoo had leaked upon the floor? "]

Rule The citations and holdings from the two cases you located (one in Unit  
Three and one