

Business law court case

[Psychology](#), [Behaviorism](#)



Name: Instructor: Course: Date: Business Law Court Cases Smith V. Sheriff

Purvis Lost property is the phenomenon when the owner parts with the property unintentionally due to negligence or inadvertence and does not know where it is. In this case, the boat qualifies as a lost item and the smiths as the finders of the property since they took possession of the property. The law of property outlines that the owner of the property remains the right on possession of it even when he/she loses it.

If the owner was to claim ownership of the boat, he would get the first priority. However, the owner never came up for this case in court, and therefore, the problem that arises is to determine who of the two claimants has the right of possession. According to the law, the prior possessor wins over any other possessor that may claim the property. This means that the person who found the lost item first gains priority of the possession over any other person except the owner. This demonstrates the fairness of the law. The smiths are the prior possessors since they were the first to find the boat and express their intention of possessing it in case the owner did not show up. The finders had already fulfilled their duty to the lost item by reporting to the authority in an attempt to find the original owner and were therefore seeking for legal possession of the property. The smiths are entitled to the possession of the boat as the finders.

Thermal Supply of Louisiana, Inc. V. Sumter In this case, the problem arises when Sumter Sr. does not notify his business counterparts of the partnership dissolution .

Dissolution is a process when a legal institution is brought to the end. It takes place after the existing partners agree to dissolve the partnership. However, the legal obligation of the partners does not end at dissolving the partnership since they are required to inform the third parties of the dissolution. This is to prevent other businesses from transacting with these third parties in the name of the partnership. This ensures that after the dissolution the partnership's name will not be used with a negative intention by other people purporting to be agents of the partnership. The notice given to the third parties depends on the relationship that existed between them and the partnership. Those that transacted with the partnership before dissolution must be given actual notice verbally or in a written form. This is to prevent them from continuing their transactions in the belief that the partnership still exists and to make them look for alternative business dealers.

This may save them many losses and protect the name of the partnership even after the dissolution. A notice may be published in the newspapers or aired in the local radio stations informing the public of the dissolution so that anyone who knew of the existence of the partnership gets information on its closing down. In this case, Sumter Sr. liquidated the partnership with his son but failed to inform thermal, a third party that had been actively dealing with the partnership. The son started another business and adopted the partnership's name, and therefore, thermal was surprised to realise that it was dealing with the partnership.

The debts of Sumter Jr.'s business were written under the Sumter Plumbing Company since it was believed to be in existence. The old partnership, as an agent, failed to disclose crucial information to the third parties, and they became liable. The partnership is liable for the debts, and the father is liable since he is a partner in the partnership. Hayes V. Tarbenson, Thatcher, McGrath, Treadwell & Schoonmaker The law of tort covers civil wrongs.

The tort outstanding from this case is negligence which is the failure to exercise care that a normal person would have in a given situation. In this case, McGrath would have exercised the duty of care by avoiding excessive drinking to the point of losing control. However, it is not easy to prove that he was careless since it was not clearly observable at his time of departure. It is not clear that excessive consumption of alcohol was the cause of his reaction since he could act consciously. Another liability arising is under the doctrine of respondent superior.

It states that a master is liable for the actions of his servant done in the course of work, but he is not liable for the actions of the servant in cases of his personal business. In this case, McGrath went to the bar for official business, and he conducted it up to a certain time of the night after which he pursued his personal errands. The firm he represents is only liable for the actions of McGrath for the duration he carried out official business and not for his actions after that.

Since shooting incident occurred after the official business had been over, the firm cannot be held liable for McGrath's actions since he was operating in his own interest. The firm can not be responsible for the McGrath's drinking

behavior after performing work related duties, but would be accountable if it happened in his scope of work. Therefore, the issue here is determining whether his drinking in the course of work was the proximate cause of the violent incident. If not, then the firm is not liable for his actions, and Hayes should take legal actions against McGrath for damages personally, instead of suing the firm.

Singer V. Microhard. Com, LLC In this case, the responsibility lies under the principle of vicarious liability or respondent superior. Under this principle, a master is answerable for the actions of a servant performed within the scope of work, but he/she is exempted from amenability if the actions were performed not with a work intention but on a personal business. Heather, an employee, ran over a pedestrian while on a job assignment. It is obvious that the incident occurred when the employee was performing his job.

Since the accident occurred while he was still in the scope of his work, the employer becomes liable for his actions. Therefore, Microhard limited is responsible for the actions of Heather and should compensate him. For this principle, Harold has to prove that Heather was within his scope of work when he negligently ran over him. However, the liability is only to the company and does not extend to its members.

This is the principle of limited amenability of a company. This means that if the assets of the company are not enough to compensate Harold, then the assets of the members of the company cannot be used for compensation since the company is viewed as an independent entity from its members. The aspect of personal liability is not exempted. This is a case of negligence

of an employee while performing his job. It is evident that the employee, as a principal, is liable under the law of agency for the careless actions of an agent. However, the employee could also be held personally liable for his actions. This is because his inattentive behavior was the proximate cause of the incident. Therefore, Harold could sue Heather for damages in his personal capacity.

In this case, Harold would have to prove that the incident occurred because of the negligence of Heather, and that it would have been avoided if he had performed his duty of care. *Inet. Com, LLC V. Melony* This is a case of unethical conduct by a member of a company. *INet. com* is a limited company and is viewed as a separate entity from its members.

The members are not held personally liable for any misconduct carried out by the company. However, the principle of piercing the veil provides that the members of a limited company can be held personally responsible for their actions. If a member fraudulently uses his position in the company for dishonest actions that injure the company, he is personally liable and the company is exempted from amenability. This principle is meant to protect the company from the misconduct of its members in the interest of the other members of the company since the company does not only consist of one individual.

It also curbs the misconduct of members who hide behind the company to carry out fraudulent operations. Melony is a member of *iNet. com*, and therefore, she is entitled to limited responsibility just like any other member. However, she secretly and intentionally sells the competitor plans of

drawings belonging to the company a member of which she is. This is a personal action since she acted on her capacity and not on behalf of the company. She enjoyed the payment got for the sale by herself, and did not inform the other members of her actions.

Her deeds consequently led to losses of the company since the competitor had a copy of their designs and used them to their advantage. The company as an independent entity can sue Melony as an individual. She is personally answerable for her dishonest actions and the company can successfully prosecute a claim against her for the damages. *Sisters of Charity of the Incarnate Word V. Meaux* This case is based on the law of bailment when a person places his property in the custody of another person who gains control of it and has the duty to take care of the property until it is transferred back to the owner. There are certain necessary conditions that must exist to be a bailment relationship. There must be transfer of goods by one person to another for safekeeping; there must be an agreement of the bailee to accept the custody of the property and to return it later on. In this case, the bailment relationship is not clear since the wellness centre was not aware of the deposit of the valuable items in the lockers.

Meaux did not take the initiative to inform the centre that he had left valuable items in the locker so that the centre would have taken measures to ensure that they were safe. There was also no agreement for the acceptance of the custody of the property. The wellness centre put a notice to its customers that it would not be responsible for the loss of items in the lockers and they specifically stated that they could not assure the safety of any

valuables left in the lockers. Clearly, the centre did not accept custody of the goods, and therefore, it was not obliged to look after them.

The locker was pried open; hence, the theft could have been anyone.

However, if the locker had been opened using a key, the centre would have had a case to answer. Therefore, it is not evident that the centre was negligent in any way that would have led to the loss of the valuables.

Considering the elements of bailment and the circumstances under this case, it must be said that there was no bailment relationship between Meaux and the wellness centre; hence, the principles of this law cannot be used on the ruling. It is also evident that the centre was not careless in any way since it had notified its customers of the conditions for their deposits in the drawers, and the negligence lies on the bailor who failed to take necessary precautions for the safety of his property. Therefore, the wellness centre is not liable for the loss of the valuables.