

Business law case analysis assignment assignment

[Business](#), [Management](#)



Since a motion to dismiss is a pleading that may be filed to attack the adverse party's pleading as not stating a cause of action or defense, that is not the proper motion to file as she is want the Judge to rule in her favor, but this motion would simply be dismissed. So the proper motion to file would be the motion for a summary judgment, which by definition is; request that the court decide a case on basis of law only because there are no material issues disputed by the parties.

This is true for this case as it is about a breach of contract, so there is no argument about whether or not the contract is valid, they both agree they entered but they are disputing on a specific part of it and they need a judge to make the decision on who is correct. To: one, Sally is being charged with criminal violations of various environmental protection statutes for her large manufacturing firm that operates near a federal land preserve known for its waterfowl and fauna.

What rights do Sally and her corporation have that are guaranteed under the US Constitution? ANALYSIS: Sally and the corporation are given many rights under the US to be heard, question witnesses, and present evidence to prove their side of the situation and prove their innocence. There is also the Fifth Amendment which is a institutional protection amendment against self-incrimination that also guarantees due process. This allows Sally the right to refuse to answer any questions about the allegations against the company if they might incriminate her.

Another law is that the covet has no right to come in and seize/look for anything without a warrant about the case, and also there is attorney/client

privilege allowing thing to remain confidential between company employees and the lawyers of the company and not be required to share any info that was said under said confidence. John was driving recklessly, and Ramona was walking recklessly across a crosswalk and John hit Ramona with his car injuring her. In trial he was found 80% at fault and her 20% at fault with the injuries costing \$100, 000.

How much, if any, recovery would Ramona receive in a state that applies the contributory negligence rule? And, how much, if any, would Ramona receive in recovery in a state that applies the comparative negligence law.

ANALYSIS: In a state that applies the contributory negligence rule, Ramona would receive nothing. This is because under common law, the defense of contributory negligence, if established in court, is a complete bar to recovery of damages from the defendant because the plaintiff's duty to exercise for reasonable care for his or her own safety thus making Ramona get nothing as she should have been more careful of herself.

Whereas in a state that applies the comparative negligence law, which is a defense that permits a negligent plaintiff to recover some damages but only in proportion to the defendant's degree of default, so in a state with this law Ramona would receive \$80, 000 from John as he was 80% at fault for injuries costing.