

Study case (misrepresentation)

Law



Study Case (Misrepresentation) This case is the resultant past event which is modified by complaint that is dismissed in the 2010 case of Najbar vs. United States. In this case, the complaint of Najbar was related to the letter that she sent to her son in September 2006 through US Postal Service and after few weeks the letter were brought back to her with the red ink stamp and word “deceased” on it in Capital letters. After seeing the deceased stamp she got upset because she thought her son had died but later on she know through Red Cross that her son was not dead yet. As Najbar received that letter she took medical treatment because of her previous psychological problems which got worsened.

At that time, Najbar initially charged a claim for recompense with the Postal Service but her claim was initially denied by the Postal Service. Afterwards she brought this case against the federal government.

Later on in this case, two exceptions were discussed i. e. The Postal-Matter Exception and The Misrepresentation Exception. The postal matter exception was rejected and court gets agreed on the second exception i. e. the misrepresentation exception.

In the misrepresentation exception, the government argues straightforwardly that 28 U. S. C. § 2680(h) neglects the claim of Najbar. But Najbar on these government argument alleged that she suffered psychological damages when she received letter with “deceased” stamp which by some manner tell her that, “Your son has died.”

This type of wrong information that a person who is alive and saying that person was dead makes misrepresentation and according to Najbar the government fall under § 2680(h). She raises 2 arguments; firstly she said her argument is grounded on "actionable negligence [that] occurred at an
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operational level before the envelope was stamped DECEASED.” Secondly she claims that if the argument raised by her comes under any type of misrepresentation then that misrepresentation doesn’t fall under § 2680(h). However, both of her claims were rejected by the Court. Though her first claim was right related misrepresentation exception that it “ does not bar negligence actions which focus not on the Governments failure to use due care in communicating information, but rather on the Governments breach of a different duty.” Despite that such principle doesn’t help the claim of Najbar as her activities based forthrightly on “ the Governments failure to use due care in communicating information.”

In addition to this Najbar raised further argument related to the misrepresentation exception. Her arguments were rejected by the court because her claims don’t come under the definition of the misrepresentation. Misrepresentation is defined as “ those actions that has been identified with the common law action of deceit, and has been confined very largely to the invasion of interests of a financial or commercial character, in the course of business dealings.”

In the end the Court denied all the claims of the Najbar as all of her arguments don’t meet the misrepresentation exception as all the harms she suffered weren’t as a result of her trust on “ deceased” stamps (Najbar).

Works Cited

Najbar v. The United States. United States District Court. 2010. NexisLexis Academic. Web. Sept 17. 2012.