

Liable or not liable

Law



Medsystems Suit Against EcoCath Legally, EcoCath is absolutely not liable for any loss that was incurred by Medsystems. In law, the question of liability arises when intention, malice and capability is construed on the accused. There is no evidence that directly links EcoCath to that effect (Hazard & Linn, 2008). Medsystems has failed to establish substantial grounds to believe that any of their negotiations with EcoCath was based on concealed fact and therefore made uninformed choice in entering into a contract with EcoCath. Prior to Medsystems getting into the contract with EcoCath, EcoCath made according to me, a full disclosure of their business position with regard to products of interests, marketing strategies projected income and other linkages with potential investor companies. All this were at the disposal of Medsystems to factor in, investigate the extent of their efficacy before getting into a contract with EcoCath (courtcases. net, 2000). In their representations preceding the contract, EcoCath table all the material facts to Medsystems. These included the fact that the financial projections were not real and were a mere assumptions made as the bench marks for the business (courtcases. net, 2000). In the EcoCath prospects delivered to Medsystems the position of the company in relation to capitalization, future plans, financial data and collaborative agreements were vivid (courtcases. net, 2000). The collaborative agreement can plays a pivotal role in EcoCath's defense, this is because in it was the cautioned by EcoCath that the partnership entered into with other investors will be risky and that assurance could not be given to these strategic partners regarding the agreements reached. It is the fair to believe that Medsystems were operating at the apex of information when they decided to sign the agreement (courtcases. net, 2000). The innocence of EcoCath is also corroborated by the fact that in their <https://assignbuster.com/liable-or-not-liable/>

response later of agreement, they unequivocally stated that their persuasion to enter into the partnership was occasioned not by the EcoCaths prospects but by their physical assessment of the company any consent from their technocrats. They also acknowledged the enormous risks involved in share investments and that in the event of loss they will bear the circumstances (courtcases. net, 2000). Medsystems' suit against EcoCath thus is precarious and has no grounds to incriminate them of any foul play. Medsystems just had an afterthought and is trying any means necessary to salvage their predicament. EcoCath is not guilty of any unorthodox dealing as per the case.

Reference List

(2000, August 12th). Retrieved October wednesday, 2011, from courtcases.

net: www

Hazard, S., & Linn, J. B. (2008). Pennsylvania archives. Pennsylvania : Harvard Un iversity.