

Homework 3

Business



Homework 3 Chapter 8 & 9 Instructions: Answer the following question inside this document. Use any kind of blue or green font color for YOUR answer.

Please answer the questions using complete sentences, no bullet points and no spelling errors.

Please read the cases in Chapter 8 and 9 and answer the following Questions.

Chapter 8

Read:

Case 8-1 Steven J. Hatfill v. The New York Times Company and Nicholas Kristof, 416 F. 3d 320 (4th Cir. 2005).

1) Why did the court conclude that Kristof's columns were capable of defamatory meaning? Do you agree with the reasons that led to the ruling? Why or why not?

The court found that Kristof's columns could lead to defamatory because when viewed in their total and in context could not sensibly be read as condemning Hatfill of being accountable for the anthrax attacks. I agree because the columns purely reported on an ongoing inquiry that targeted Hatfill, and Kristof was cautious to deny any conclusion of Hatfills fault.

2) What fundamental issue does the case address? Does the court's decision seem to prefer one value over another? If so, do you see this preference as justified? Why or why not?

The primary issue being addressed by the case is whether the Defendants fake and irresponsible public recognition of Dr. Hatfill as the possible anthrax mailer imputed murderous activity to Dr. Hatfill and spoilt his good name as a doctor and biomedical researcher, and thereby constituted, discretely, defamation, defamation per se, and defamation by fake light." To add, the <https://assignbuster.com/homework-3/>

complaint suspected that Kristofs " intentional public criticism of Dr. Hatfill as the likely anthrax assassin regardless of whether Dr. Hatfill was culpable or not guilty" constituted purposeful infliction of emotional suffering. The court's ruling does not seem to favor one value over the other because all claims were dealt with as per the law.

Read: Case 8-2 Cindy R. Lourcey et al. v. Estate of Charles Scarlett.

1) How is this case largely dependent on the use of specific definitions of particular terms? How good are the definitions used?

The case is largely dependent on the use of particular terms since it has so many terms being defined to enable the reader to understand a particular term being used. The definitions used are impeccable in that they clearly simplifies this terms which makes it easier to understand.

2) What assumption allows for existing entities to be held responsible for the actions of deceased individuals? Especially in a case such as this, in which the plaintiff was present as a matter of random chance - a situation out of control of those now held responsible-what reasoning allows for assignment of culpability?

Existing entities can be held responsible for the actions of the deceased because when Charles Scarlett told Lourecy that his wife was having a seizure, Lourecy took off her phone to ask for help this might have led to Charles Scarlett shooting his wife and later shooting himself while looking directly at Lourecy.

Chapter 9

Read: Case 9-1 Palsgraf v. Long Island Railroad Company, 248 N. Y. 33 (1928).

1) Why does the court believe that Mrs. Palsgraf should not be awarded

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damages? Are you persuaded by these reasons? Why or why not?

Mrs. Palsgraf should not be awarded the damages because the relationship of the guards doings to Palsgrafs harm was not direct to make him accountable. I am convinced with the court's ruling because it was difficult for the guard to have known that the wrap up was unsafe and that pushing the traveler would thereby cause a blast.