

Business law (downey v. bobs discount furniture holdings, inc.)

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Downey v. Bob's Discount Furniture Holdings, Inc Background and Facts On July 2005, Yvette Downey and Ashley Celester her daughter suffered a kind of skin irritation. They then realized that Ashley's bed had been infested by insects. The insects infesting Ashley's bedbug. The bed had been purchased in December 2004 from Bob's Discount Furniture Holdings Inc. upon the discovery of the insects, Downey and her daughter conducted Gordinier who has a license and remarkable experience in insect extermination. He inspected the premises and realized that there were bed bugs in each room. He pointed out the possibility that the bed bugs initially came from Ashley's bed. The exterminator compiled a report regarding the issues and sent s copy to the defendant explaining his findings (Clarkson, Miller, and Cross 65) The defendant only retrieved the infested bed that he had supplied and was unwilling to cover the cost of extermination. Downey paid for the extermination cost. After sometimes, Downey filed a case against the defendant because of his breach of contract in failing to cover the extermination cost. In addition, she claimed that the bed supplied by the defendant was the source of the bed bugs. The case was presented before a district court. Downey was requested to identify an expert of extermination and submit a written report of what the expert had to say. She did not conform to these demands. The district court ruled in favor of the defendant that there was no evidence to indicate that the bed bugs had come with the bed. However, Downey decided to appeal (66).

Issue: Legal Question Raised on Appeal

During the appeal, the legal question was whether the plaintiffs needed to submit a written report concerning the evidence and opinion of a licensed

exterminator (66).

Rule: The Answer to Legal Question Raised on Appeal

The court of appeal highlighted that the plaintiff did not have to submit a written report concerning the exterminators capacity. Therefore, the district court judgement was reversed (66).

Rationale: The reasoning Behind the Rule

The rationale of the ruling was in accordance to rule 26 (a) (2) (B), which makes it clear that experts may testify as witnesses and also provide a testimony based on their expertise and are exempted from the report requirement. This is the reason why the court of appeal ordered a new trial in the case (67).

Work Cited

Clarkson, Kenneth W, Roger Miller, and Frank Cross. Business Law: Text and Cases. , 2014. Print.