

Brief a case

Business



Brief Case Review The case number 248 NY 339, Helen Palsgraf, the Plaintiff-Appellee, vs. Long Island Railroad Company, the Defendant-Appellant, was argued from February 24, 1928 and decided on May 29, 1928. In this case, the defendant moved to court and filed an appeal to reverse the decision of Supreme Court in the second Judicial Department of New York by asserting that the plaintiff, Palsgraf, failed to prove that her injury was foreseeable (Cardozo 1).

In the previous history of the case, the plaintiff, Palsgraf, lodged a complaint against Long Island Railway Company, the defendant, asserting that the defendant was liable for her injuries that befell her as she was standing on a railroad stage. The injuries occurred from falling scales that toppled because of the explosion of fireworks in a bag that were dropped by Long Island Railway employee. Palsgraf sued the railway company for the conduct of its employees that resulted to the passenger dropping his package. The trial court and the immediate appellate courts ruled in favor of Palsgraf citing negligence (Cardozo 1).

The appeals court rescinded the decision of the trial courts citing that negligence is not a tort unless the injury is foreseeable. The legal questions raised in this case were “ How is the duty of care owed determined?” and “ To who does a party owe the duty of care?” The appeals court held that the defendant owes a duty of care only to the individuals who are in the realistically predictable zone of danger (Cardozo 1).

The case number 11 CV 0445 Wilson Sporting Goods Company, the Appellant, vs. Edwin Hickox and Lisa Hickox, the Appellee, was decided on January 31, 2013. In the previous history of this case, the appellee, Hickox, was wounded while wearing a Wilson Sporting Goods Company’s mask.

<https://assignbuster.com/brief-a-case-essay-samples/>

Hickox brought liability case against the company and won in the trial court. In this case, Wilson Sporting Goods Company appealed citing that Hickox and his wife presented expert testimony that was devoid of acceptable basis and that the evidence was not sufficient (Fisher et al. 1).

The appeals court held the decision of summary judgement to Medtronic citing that the company was liable for injuries caused to Hickox for negligent and defective design, failure to warn and the violation of indirect warranty of the applicability of the item for a particular resolution (Fisher et al. 1). The court awarded Mr. Hickox \$750, 000 and Lisa Hickox, his wife \$25, 000. The primary question was whether the evidence presented by the expert was adequate. Pursuant to Jones v. United States, 990 A. 2d 970 (2010), the court concluded that the trial court was reasonable to find the expert's testimony satisfactory (Fisher et al. 1).

The case number WD 73382, Allen Johnson and Elaine Johnson, the Appellants-Respondents, vs. Medtronic Inc., Respondent-Appellant, was argued from March 6, 2012 and decided on May 1, 2012. In this case, the appellants, Johnsons, filed an appeal against the decision in favor of Medtronic Inc. (Welsh 1). In the history of the case, Johnson suffered ventricular fibrillation after a doctor administered shock using a biphasic defibrillator manufactured by Medtronic Inc. Johnsons sued for product liability citing that the product was dangerous and defective (Welsh 1).

The issues raised in the appeals court revolved on whether the device was defective and whether Medtronic gave adequate warning of the dangerous condition of changing to the unsynchronized condition. However, the Appeals court affirmed the decision of the trial court. This is because the court established that instructions given by Medtronic were adequate and that the
<https://assignbuster.com/brief-a-case-essay-samples/>

product was not defective (Welsh 1).

Works Cited

Cardozo, C. " Palsgraf v Long_Is_RR." NYCOURTS. GOV - New York State Unified Court System. N. p., 29 May 1928. Web. 20 Sept. 2014. .

Fisher, Oberly, and McLeese. " WILSON SPORTING GOODS COMPANY v. HICKOX - FindLaw." Findlaw, Jan. 2013. Web. 20 Sept. 2014.

Welsh, James. " JOHNSON v. MEDTRONIC, INC." Leagle. N. p., May 2012. Web. 20 Sept. 2014. .