

Bugusa, inc.  
worksheet essay  
sample



**ASSIGN  
BUSTER**

In the case of WIRETIME, Inc., tort has been committed. Per the reading, “ a tort is when one party has acted, or in some cases failed to act, and that action or inaction triggered a loss to be grieved by another party” (Melvin, 2011). WIRETIME, Inc., made a defamatory statement about Bugusa, Inc.’s reputation. WIRETIME, Inc., also enlisted an ad in a well-known magazine that enclosed a statement alleging BUGusa for having bad merchandise. BUGusa doubtfully will undergo reputation or loss of clients due to the negative hoarding that WIRETIME, Inc., bashed.

Discuss any liability BUGusa, Inc., may have for Walter’s actions. In this case, the liability BUGusa, Inc., may encounter for Walter’s actions is that he committed a tort when locking Steve inside a soundproof room and threatened him with physical harm. Keeping Steve in a soundproof room can be defined as false imprisonment. False imprisonment prohibits wrongful restraining, confining or detaining a person without that person’s consent (Penal Code 236). Criminal threatening sometimes known as the terrorist threat, malicious harassment, or by other terms, occurs when someone threatens to kill or physically harm someone else. BUGusa, Inc., has the right and free will to sue Steve for intentionally and willfully spying on the companies’ confidential background.

What defenses may be available to BUGusa, Inc.? Explain your answer. In a company parking lot if there is a crime committed majority of the time the employer or company is liable for what happens to the employee on company time. Since some of the lights were burnt out on the dock and there was no one there to assist the delivery person, BUGusa, Inc. would be liable for the robbery and vandalizing. The company needs to make sure that

there are enough working lights to keep everything well lit and visible for employees and delivery personal. Strict liability is a must because the company is held liable for an act, regardless of the intent or willfulness.

BUGusa, Inc. should have signs posted up to say that they are not responsible for any unsupervised or stolen property on the premises if they do not want to be held liable or responsible for what happens to employee vehicles while parked in their parking lot.

What defenses may be available to BUGusa, Inc.? Explain your answer. In this case it is obvious that both parties were at fault. Brian who was driving the delivery van owned by BUGusa, Inc. was speeding. Randy failed to yield properly at an intersection. Both were negligent and both may be required to pay for any damages. Courts look for a number of factors in determining which driver was negligent. In this case, although BUGusa, Inc delivery van was traveling faster than the recommended speed limit, Randy is the main Tortfeasor because he did not follow traffic laws when he turned into oncoming traffic. The traffic rule is that the driver must yield to oncoming traffic, unless given a green arrow. Randy or his insurance company will have to pay for the damages caused to the BUGusa, Inc delivery van.

Sally may have a successful case against BUGusa, Inc., for what torts?

Explain your answer. In this case, Sally may have a successful case against Bugusa, INC. for the negligence and strict liability torts. The negligence would be supported by the MacPherson rule. “ A famous 1916 New York Court of Appeals decision, MacPherson v. Buick Motor Co., 217 N. Y. 382, 111 N. E. 1050, expanded the classification of “ inherently dangerous” products and thereby effectively eliminated the requirement of privity—a contractual

relationship between the parties in cases that involve defective products that cause personal injury” (“ Macpherson v. Buick Motor Co.,” 2005). BUGusa, INC. made a bad decision, choosing to cut production costs by failing to add a much needed insulator to the original product design. The resulting factor was that Sally was injured.

The company did not set out to hurt Sally and had no intent to cause injury, but the injury occurred and the company failed to issue a recall, making the company responsible. The strict liability torts is supported by the failure of BUGusa, INC. to issue a recall on the defective product. The insulator was not added in the original chosen product design because they wanted to cut corners on production costs. This made the product defective and qualified for the requirements to issue a recall but the company chose not to. The case involving Sally was preventable, given they had issued a recall to correct the problem in the product before reissuing them into circulation. Sally has plenty of evidence to back up her claim.

Sally may have a successful case against BUGusa, Inc with the strict liability tort. “ Strict liability tort, where a tortfeasor may be held liable for an act regardless of intent or willfulness, applies primarily in cases of defective products and abnormally dangerous activities” (Melvin, 2011). It was BUGusa, inc. responsibility to make sure that their product is safe to use. They knew that the insulator could have prevented the shorting and should have recalled the product until they made sure that it was safe to use. Sally was harmed because of a defective product and will get compensated for her injuries.

## References

Macpherson v. Buick Motor Co.. (2005). In Encyclopedia. com. Retrieved from <http://www.encyclopedia.com/doc/1G2-3437702783.html>  
[www.criminaldefenselawyer.com](http://www.criminaldefenselawyer.com) (for definitions)