

Law of tort case study

Business



David is an experienced fireman with the NSW Fire Brigades. Last Monday, he was ordered by his supervisor to drive a fire engine vehicle at a very high speed along a country road with the lights flashing and bell sounding. David could see the driver of the car ahead, Peter, had become agitated, but he kept going.

Peter, without wearing a seat belt, panicked in trying to make room for the fire engine and collided with a lamp post. Fortunately, Peter was not seriously hurt but was taken by an ambulance to a nearby hospital for examination. On the way, the ambulance was involved in another car accident and Peter sustained two broken legs. As such, Peter was unable to attend a meeting in the afternoon on the day of the accident at which he had high hopes of securing a \$50, 000 contract with his client. He would like to claim for such economic loss of \$50, 000. In addition, Peter expects to claim for medical expenses of \$10, 000 and loss of income of \$20, 000 for the duration of the injury.

REQUIRED: Advise Peter of his legal rights under the law of torts. (Maximum word length: 1, 000 words) Question 2 (10 marks) On Monday, Aaron wrote a letter to Ben offering 300 bags of cement at \$100 per bag. On Wednesday, Ben received the letter of offer from Aaron and posted a reply letter to Aaron in which he accepted Aarons offer but added that if he did not hear to the contrary, he would assume that the price included delivery to his warehouse. On Thursday, before Bens letter arrived at Aarons office, Aaron heard a rumour that the price of cement was about to fall and he immediately sent a fax to Ben at 10 am stating that Our cement price of \$100 per bag includes delivery. On the same day, Ben also heard the same rumour.

Having received Aarons fax, Ben immediately sent a fax to Aaron at 10: 30 am stating that Decline your offer of cement at \$100 per bag including delivery stated in your fax today and at the same time discard my letter posted to you yesterday. On Friday, Aaron received Bens letter posted on Wednesday.