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Professor Scott

PUDM 4045 B

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### Week 3 Assignment

Do the following problems and for each state in separate paragraphs: a) a summary of the facts, b) the legal issues involved, c) your analysis of the case and d) your conclusion

Pg. 88, problems 4-1 and 4-2

#### #4-1: Liability to Business Invitees

Kim went to Ling's Market to pick up a few items for dinner. It was a stormy day, and the wind had blown water through the market's door each time it opened. As Kim entered through the door, she slipped and fell in the rainwater that had accumulated on the floor. The manager knew of the weather conditions but had not posted any sign to warn customers of the water hazard. Kim injured her back as a result of the fall and sued Ling's for damages. Can Ling's be held liable for negligence? Discuss.

- a) On a stormy day, the wind was blowing water inside Ling's Market door every time it was opened. The rainwater started to accumulate on the floor and the manager did not put up a warning sign despite knowing the weather conditions and how it could be hazardous. One customer, Kim, entered the front door, slipped, and fell in the water injuring her back. Kim is now suing Ling's Market for damages.
- b) Kim is suing Ling's for her back injury as the market was negligent and did not put up any signs of danger.

- c) I believe that Kim has the right to sue the market on the basis that the manager knew about the hazardous conditions and still did not act upon it. He could have easily put up a sign and could have prevented the fall and the lawsuit.
- d) The conclusion drawn is that Ling's must abide by the lawsuit and accept the consequences. He is liable for negligence as it means a failure to take proper care in doing something.

#### #4-2: Negligence

Shannon's physician gives her some pain medication and tells her not to drive after taking it because the medication induces drowsiness. In spite of the doctor's warning, Shannon decides to drive to the store while on the medication. Owing to her lack of alertness, she fails to stop at a traffic light and crashes into another vehicle, causing a passenger in that vehicle to be injured. Is Shannon liable for the tort of negligence?

- a) Shannon was prescribed pain medication by her physician who warned her not to drive after taking the medication because it makes the patients drowsy. Shannon ignored the physician and drove after she took the medication. While driving intoxicated, Shannon failed to stop at a traffic light and hit another vehicle causing an injury to the passenger in the other vehicle.
- b) Shannon is being charged on the tort of negligence as she was driving intoxicated.
- c) I believe Shannon should be liable for the tort of negligence. She should be tried with severe consequences as she knew that her actions were breaking the law and still acted upon it.
- d) The conclusion drawn is that Shannon knew of her side effects, that they would have a toll on her, and she should be tried accordingly.