

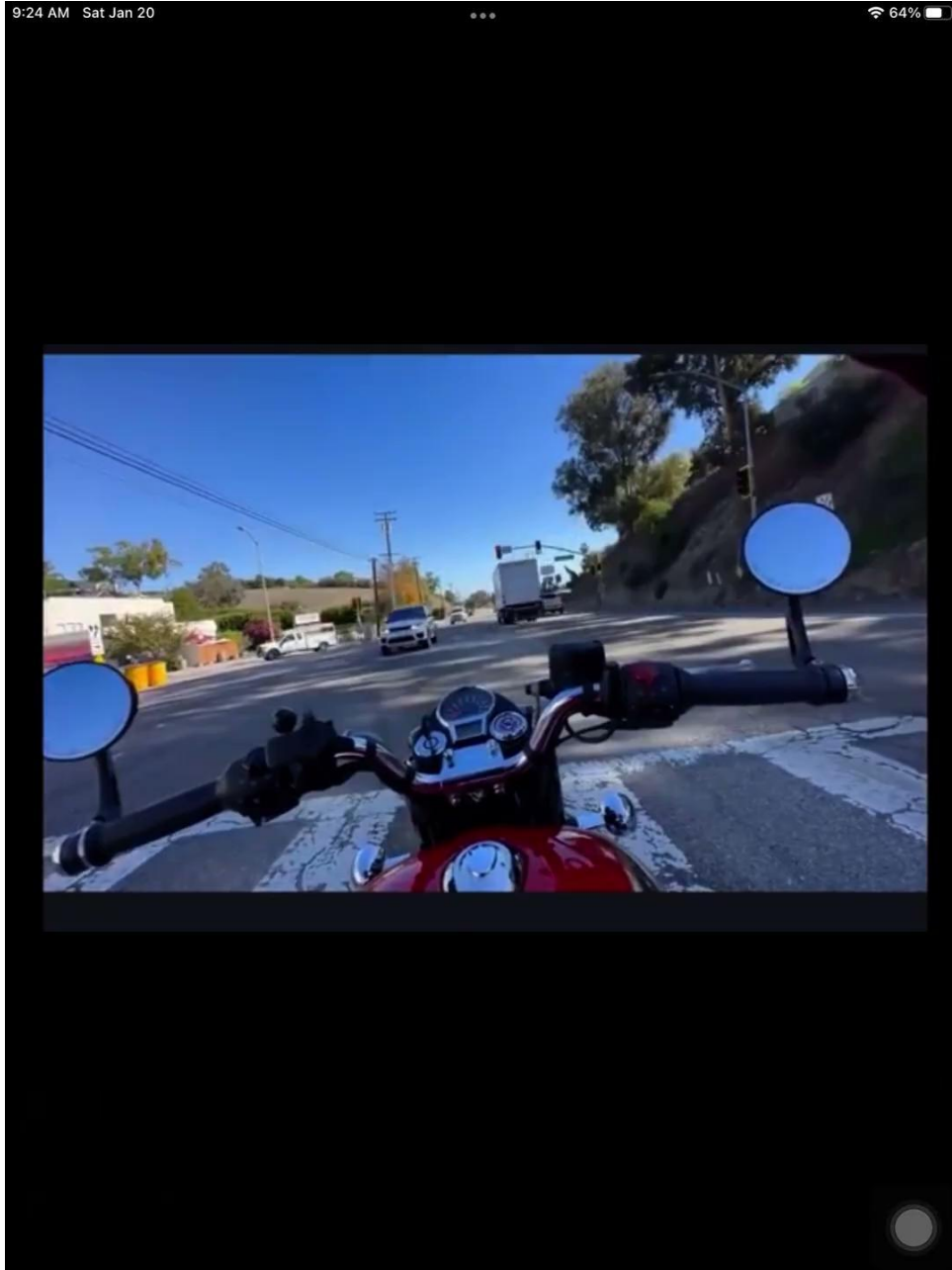
***Chapter 4* - The Law of Torts**

DO NOW:

1. Marilyn Fonom turns up the volume on her “boom box” when she gets home from work at 2 A.M. She refuses to turn it down despite repeated requests from her neighbors. What tort, if any, has Fonom committed? Explain your answer.



DO NOW:



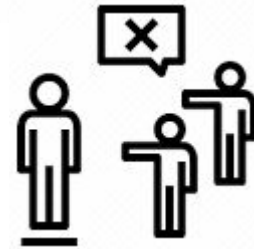
"Does anyone in this scene have a valid lawsuit? If so, against whom?"

People hold certain rights such as:

1. the right to be free of bodily harm



2. the right to enjoy a good reputation



3. the right to have one's property free from damage or trespass



4. the right to conduct business without unwarranted interference

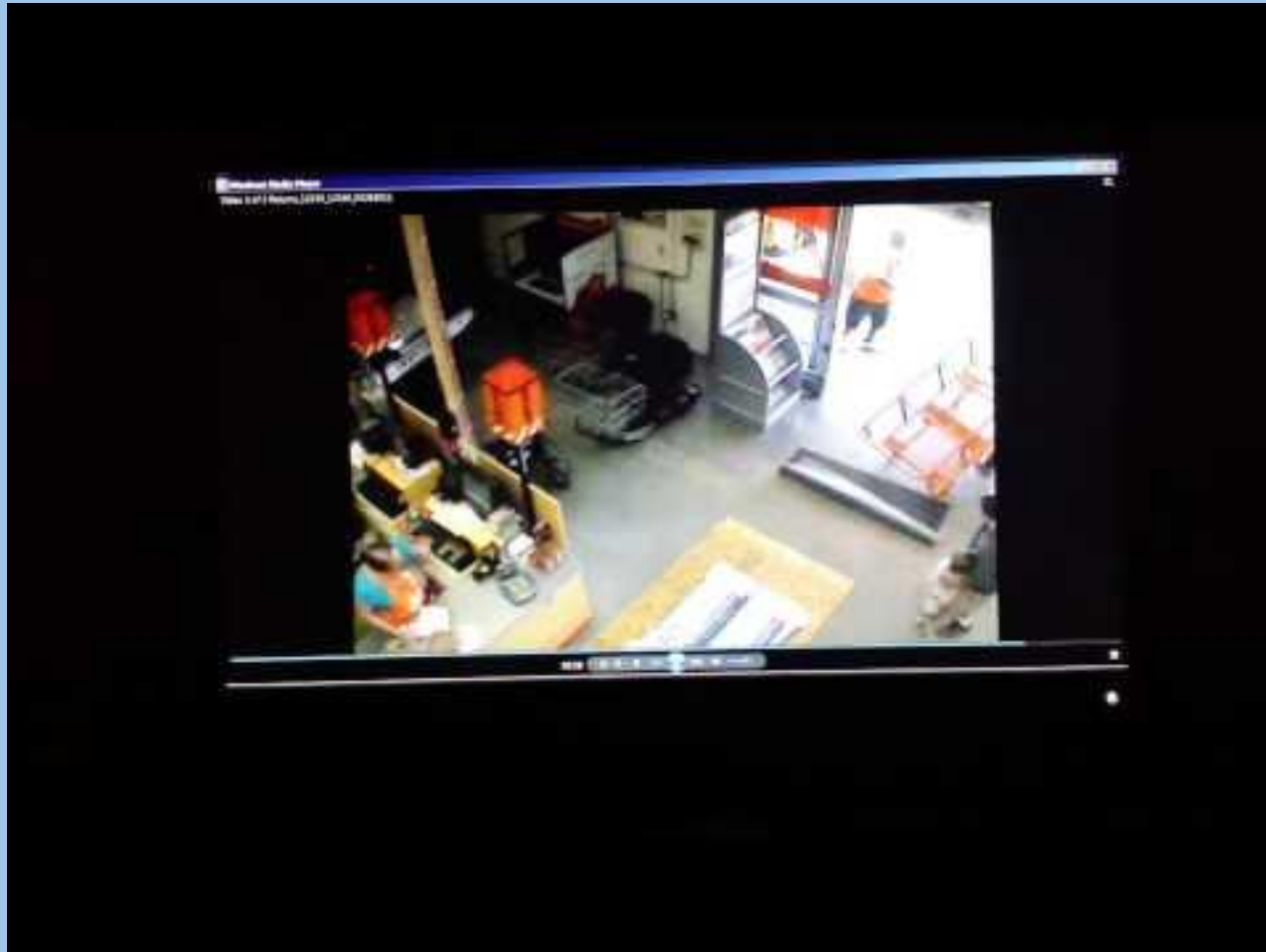


People's Court: Civil Court stemming from criminal act House Destroyed During Gathering



15min

Who did something wrong against another?
Who was harmed?
Who can sue and win? If at all?



A **tort** is a wrong against an individual;
one person's interference with another's rights, either through:

- intent,
- negligence,
- or strict liability.



Which did the clip qualify as?



FAQ: Is a tort a crime?

* it sure sounds like it!

* it's the same, but different.

What is a torte?



What is a tort?



1min - Rep Etheridge



George Floyd Statue



Halloween egging = \$6K



Teacher vs pizzeria : 1mion

How do torts make their way into the courtroom?

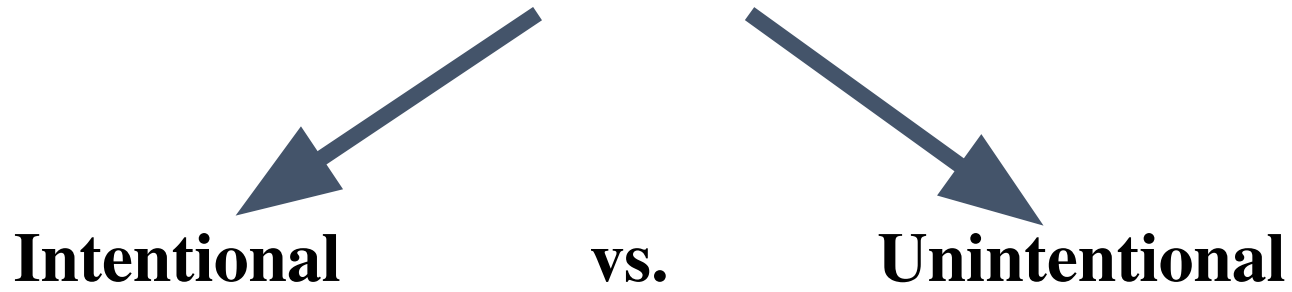
Tort lawsuits are brought to court
by the injured persons themselves.
(i.e. John Jones vs. Home Depot)

**How is this different from
CRIMINAL cases?**

**Who brings criminal cases into the
courtroom?**



Types of Torts



Intentional Torts

A wrong that occurs when a person knows and desires the consequences of his or her act.

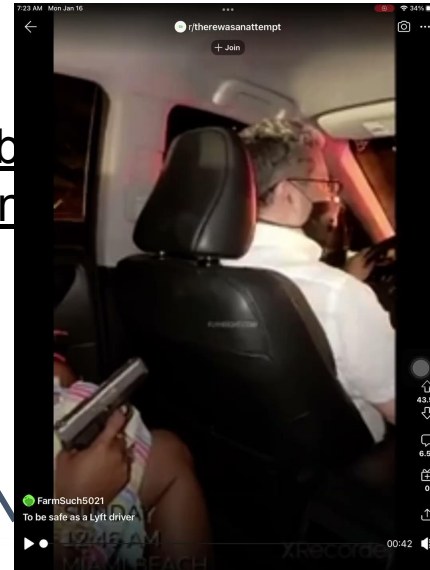
Assault: when one person deliberately frightens another person into the belief that he or she is about to be injured.

Differs from the **crime** of assault...
in a tort the victim must know the person has tried to harm him or her.

i.e. It is a crime to fire a gun at someone, but if the victim never knew that they had been shot at it is not a tort.



Ellen scares Taylor Swift



PC Prank Call - 18min



Shocking video shows man totally unaware that a gun is being pointed at his HEAD before it JAMS, saving his life

- Horrifying video shows a man standing unaware as a gun is pointed at his head
- Would-be shooter is foiled when his gun fails to discharge and he walks away
- The gunman and his friend, also armed, are then seen chasing another man
- A second victim, a 42-year-old man, is shot inside an apartment building



Husband-Wife 6years 4min

CamCompilation 6years 4min

Battery: involves the unlawful, unprivileged touching of another person

- measured against a reasonable person standard
- does not have to be harmful (i.e. spitting, kissing)

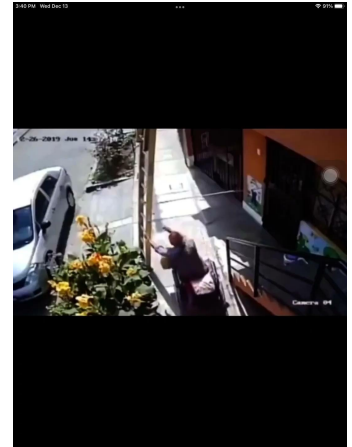


Paparazzi Swarm - Kanye 2min



Paparazzi and Kanye - 1min

<https://www.youtube.com/watch?v=VPXn6vOfhw8&pp=ygUbcGFwYXJhenppIGFuZCBY55ZSBhaXJwb3J0>



Battery or not: 56sec

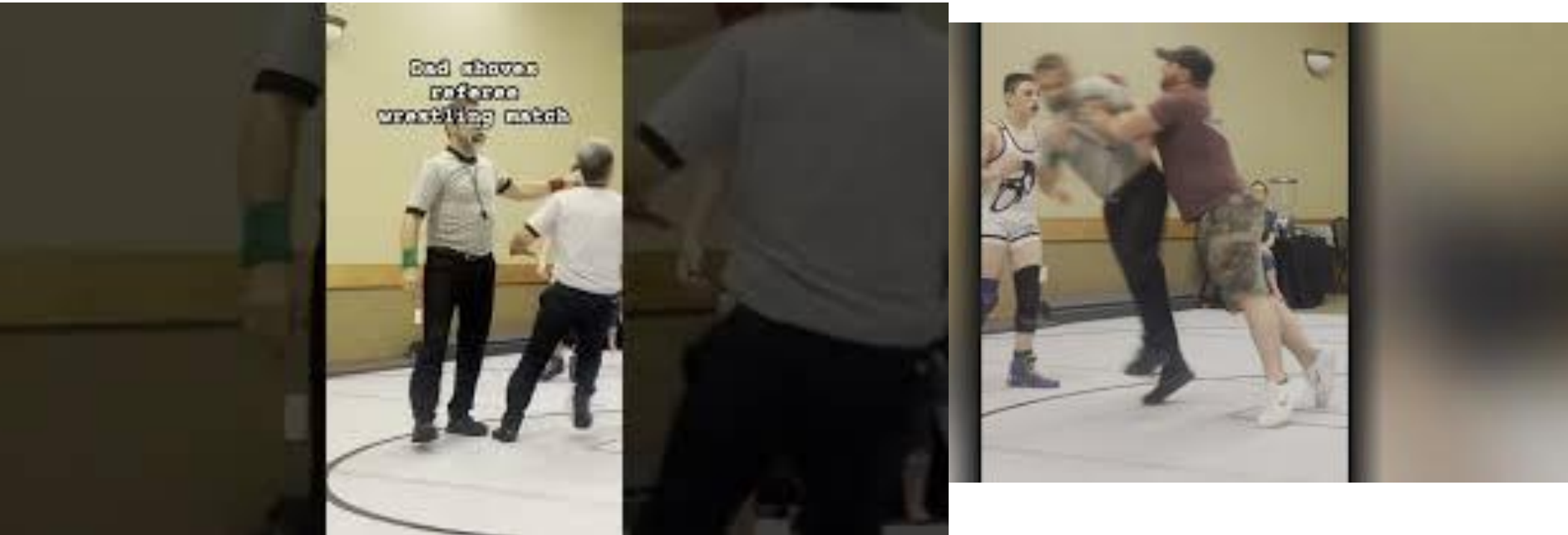


Battery or not: 19sec

Business Law Knowledge is Powerful

(more powerful than a raging father)

10min total



[Arrest](#)

[Mandi Hammonds](#)



LEGAL ISSUES

A patient undergoing a procedure sues a physician for battery for not complying with her demand to remove a blood pressure cuff

Ann W. Latner, JD October 11, 2011

PRINT EMAIL REPRINT PERMISSIONS TEXT: A|A|A

This month's case examines whether a patient can sue a health care provider for battery if she objects to all or part of a medical treatment, even after the patient previously had given consent. "Battery" in tort law is defined as any physical contact with another person to which that person has not consented.

Dr. K, 45, was an ophthalmologist with a private practice. One of Dr. K's patients, Mrs. M, 72, was having a small mass on her eyelid removed and Dr. K was using an outpatient surgical facility and one of its nurses. Prior to the procedure, Dr. K took the nurse aside.

"It's a routine procedure," Dr. K said, "but I wanted to warn you that the patient can be a bit prickly. She is very fearful and nervous, but also seems to be very suspicious and a complainer. I've been treating her for years, but she sought five second opinions before agreeing to this. And questions? I never had a patient who asked as many questions. I've spent



MORE LEGAL ISSUES

- [Lost Note Exposes a Urologist to Litigation](#)
- [Invading a Patient's Privacy Costs a Physician](#)
- [Rolling the Dice: Failure to Order a Colonoscopy Results in a Suit](#)
- [Delayed Kidney Cancer Diagnosis Lands a Urologist in Court](#)

http://ad.doubleclick.net/click;h=v8/3ba0/0/0/*r;238219765;0-0;0;61499240;4307-300/250;41156128/41173915/1;;~fdr=243100364;0-0;0



LEGAL EAGLE EYE NEWSLETTER

April 2001 For the Nursing Profession Volume 9 Number 4

Automatic Blood Pressure Cuff: Nurses Ignored The Patient, Committed Battery.

As a general rule it is battery for a physician, nurse or other health-care provider to perform a medical intervention to which the patient has not consented. Battery is a wrongful act for which the common law allows a civil lawsuit to be filed.

To avoid legal liability for battery, it is critically important that the patient give informed consent. Informing the patient and getting consent is generally the physician's responsibility.

However, nurses also can get caught up in the issue of patient consent and can commit battery, as illustrated by a recent court case.



The nurses did not remove the automatic blood pressure cuff when the patient insisted. The nurses just considered this patient a complainer. However, by law a patient can revoke consent to a medical procedure at any time, and the nurses must comply. Going ahead with an intervention against the patient's expressed wishes is battery and the patient can sue.

SUPREME COURT OF KENTUCKY, 2000.

Revocation of Consent
Even after a patient has given consent to a medical intervention, the patient has the right to revoke consent at any moment. When the patient voices a clear and unequivocal demand that the intervention stop, the patient's nurses and doctors have a strict legal obligation to heed the patient's wishes. A patient being a "complainer" is no defense, the court ruled.

Failing to acknowledge that the patient has revoked consent is the same as going forward without consent in the first place, that is, it is battery.

Battery Defined
Battery is the civil-law term for unauthorized touching of a person's body by another person. If there is a malicious intent to cause fear in the victim it is the crime of assault and battery. The court saw no criminal malice here, but the patient still had the right to sue for damages in civil court.

Informed Consent
The court threw out the patient's claim of no informed consent. That did not help the nurses or the physician, however. There was no consent, so whether the patient's consent was informed consent was a non-issue, as the court saw it. *Goulet v. Thomas*, 33 S.W. 3d 522 (Ky., 2000).

Welcome to the island



<https://www.youtube.com/watch?v=yfSLuEj99d0&pp=ygUQZ2lsbGlnYW5zIGlzbGFuZA%3D%3D>

Nuisance

Nuisance: anything that interferes with the enjoyment of life or property.

- Noises, odors, etc.
- Public nuisance affects a large group of people.



Billionaire Neighbor Nuisance Dispute 2min

26sec

[Result](#)

Does this warrant a tort/lawsuit?



Guy pushing seat on plane - 2min

<https://www.youtube.com/watch?v=2LAomrzvuu0&pp=ygUWZ3V5IHB1c2hpbmcgc2VhdCBwbGFuZQ%3D%3D>

\$50 Million Nuisance Verdict in NC Hog Farm Case

Smithfield Foods and subsidiary Murphy Brown, LLC contracts with a number of hog farmers in North Carolina to raise pigs. Neighboring landowners claim that odors, tractor and truck traffic, and pests caused by the hog farms are affecting their quality of life, property values, and use of their property.



Litigation

A nuisance lawsuit by neighbors. Essentially, a nuisance occurs when a defendant unlawfully or substantially interferes with the use and enjoyment of the plaintiff's property.



Verdict

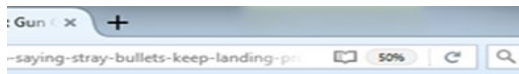
After deliberating for less than two days, the jury sided with the plaintiffs and awarded \$50 million to the 10 named plaintiffs in the lawsuit. The verdict includes compensatory damages of \$75,000 for each plaintiff, as well as a \$5 million/plaintiff punitive damage award.

Trespass

Trespass: a wrongful injury to or interference with the property of another.
Might be intentional... or not!



- Water from a hose left on overnight.
- Hunting on someone's property, fishing in their lake without permission.
- A baseball accidentally hit through your window by a group of neighborhood children



FedEx Files Suit Against Gun Club, Saying Stray Bullets Keep Landing on Property



Sharpe Shooters' neighbors on Gun Club Road in Augusta, Ga., have filed suit alleging the club's safety devices are failing to prevent the escape of stray bullets.

Monmouth Real Estate Investment Corp. and FedEx Ground Package System filed the complaint last week in Richmond County Superior Court.

Monmouth owns the 56,650-square-foot building at 2902 Gun Club Road and has leased it to FedEx since 2004. According to the lawsuit, Sharpe Shooters is less than 750 feet away.

FedEx ranks No. 2 on the [Transport Topics Top 100 list](#) of the largest North American for-hire carriers.

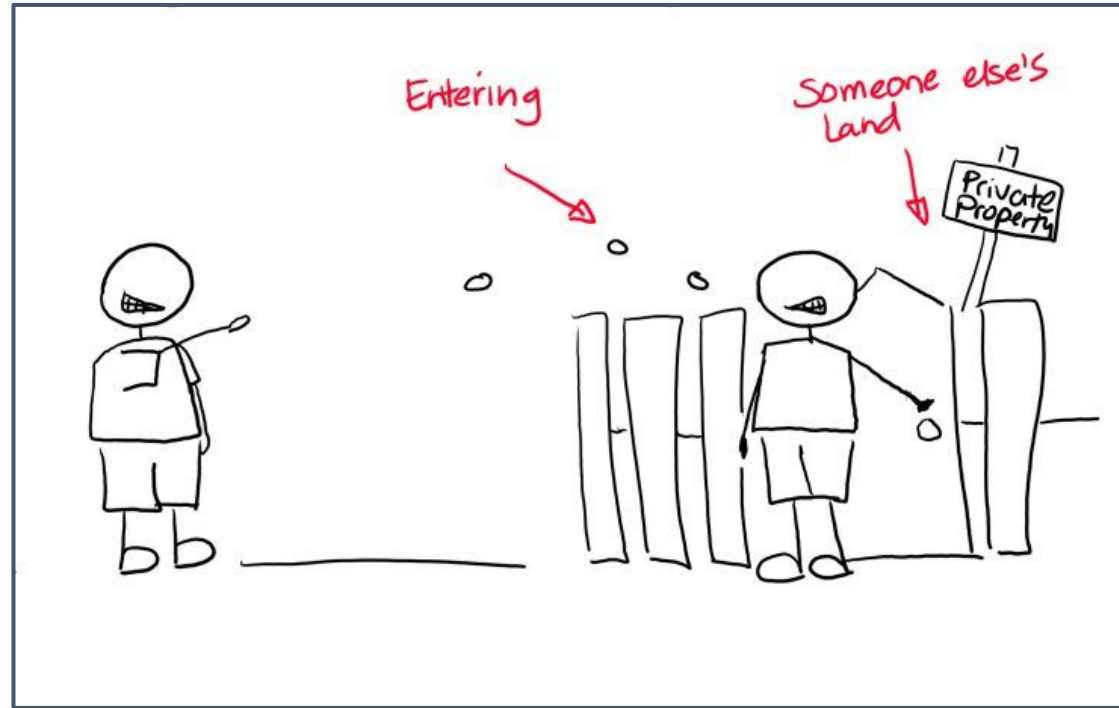


The agents and employees of Sharpe Shooters represented to the city's Planning and Development Authority that the range would follow National Rifle Association designs to erect backstop devices to stop or redirect bullets fired on the range so that none would leave the outdoor shooting range area.

"Contrary to defendant's representations, the terms were not constructed according to NRA designs," the lawsuit alleges. Within a year of Sharpe Shooters' opening, FedEx employees found bullet fragments on its leased property. According to the lawsuit, the shooting range denied that any projectiles had escaped the range.

In April, FedEx staffers notified Monmouth that bullets again had been found in the parking lot. During Monmouth's inspection of the Gun Club Road property April 26, suspected bullet fragments were found on the roof. On May 1, a roof inspection found bullets and fragments.

On May 2, Monmouth notified the shooting range that more than 80 bullets had been found on the roof of the FedEx station and more were found in the parking lot, the suit contends. A ballistics expert hired by Monmouth reported the bullets and fragments could have come only from Sharpe Shooters, it says.



Trespassers vs Attractive Nuisance

Can you be sued by someone who trespasses on your property?.... **MAYBE YES!**



<https://www.youtube.com/watch?v=-alYDQnpoc4>

What Obligations Do Property Owners Have Regarding Swimming Pools?

It's the same as with any premises liability issue. A property owner is responsible for creating a safe environment for invited guests. This includes ensuring that their swimming pool is legally compliant with all safety regulations. Property owners have a "duty of care" AKA a legal responsibility to ensure the safety of guests on their property. This duty increases when someone is on the property for the benefit of the property owner, for example in the case of a maintenance worker or child care provider. Likewise, property owners owe an extra duty of care when minors are invited to their property. This is especially so when a swimming pool is on the property.

Non-invited guests or trespassers are generally not owed a duty of care by the property owner. Trespassers are legally responsible for any injuries they incur while on private property. However, pools are considered an attractive nuisance, therefore pool owners owe a duty of care to minors even if those minors have accessed the property illegally.

Title: Section 6-1.16 - Fencing 6-1.16 Fencing.

- (a) All swimming pools shall be enclosed within a fence or other barrier, at least four feet high, which can only be entered by bathers through self-closing and positive self-latching doors or gates. The knob or handle controlling the latch shall be at least 40 inches above grade. The gate or door shall be locked and access to pool prevented when the pool is not supervised.
- (b) Swimming pool fences constructed after the effective date of this Subpart [March 30, 1988] shall meet the requirements of the Uniform Code. For existing swimming pool fences, no opening shall exceed four inches.

Invasion of Privacy

Do People Caught on Ring Cameras Have Privacy Rights?

Can your images from a Ring cam be posted online/social media?

Experts agree that it is generally legal to post video footage captured in a public space where the subject of the video lacks a reasonable expectation of privacy. (Things get a bit trickier with audio recordings, where states vary in consent rules, but, again, these rules often don't apply when a person is in a public space, like on a sidewalk.)

While a person's front door area is legally considered "private" for Fourth Amendment purposes—meaning the police can't snoop around without a warrant—a homeowner can surveil their own space.

Accordingly, the decision to post content is almost entirely at the discretion of the camera's owner, who also carries the burden of ensuring that their use of surveillance devices does not violate local privacy ordinances, according to Ring's terms of service.



Would it be the tort
“INVASION OF PRIVACY”
for a stranger to take your picture when you are...

1. In your front yard getting mail at your mailbox.
2. Standing in front of your locker in the gym locker room .
3. Standing at your bus stop in the morning.
4. Laying out at the beach.
5. Laying out at your backyard pool.
6. Eating a messy taco/sandwich at an outdoor restaurant

=7

How are these cases different?... The “expectation of privacy”

Invasion of Privacy: interfering with a person's right to be left alone.

No spying on or intruding upon another person where that person has the **expectation of privacy**.



Landlord



Cars 6min

Unwanted Surveillance NY Law - 2min



Dressing room 1min



TV 2min

[4&pp=ygUXZ](#)

<https://www.youtube.com/watch?v=BoVx712t1I>

False Imprisonment:

a false imprisonment claim, a plaintiff must prove:

(1) willful detention; (2) without consent; and (3) without authority of law.

Can be by government or private citizens.



Juan Johnson - Wrongly convicted 3min



Howcast - How to Make a Citizen's Arrest 2min



1min video



"Central Park Five" - Wrongly convicted 3min



PC Court
Pt1 -
8min



PC Court
Pt2 -
8min

False Arrest?

Defamation or not?

And if so? libel or slander?

“Mr. Wehmann is absolutely the worst teacher in the entire school!”

(Tweeted): “Bruh!... with my own eyes, I saw Mr. Wehmann punch a student in his Economics class first period! NO CAP!”

“I saw Mr. Wehmann shoplift from WalMart this weekend. He has a very serious cocaine addiction”

“Mr. Wehmann is the father of an alien baby.”

Is this defamation?

“Oblivious Cam” at Tate Rink - USMA hockey game



Is this Defamation?

Sleeping at a Yankee Game: Called “oblivious”

THE SLATEST

Yankees Fan Caught on Camera Sleeping During Game Sues ESPN for Defamation

Screenshot ESPN Broadcast

In a move that seems akin to suing the “Kiss Cam” for sexual harassment, a fan caught napping on camera during a recent Yankees-Red Sox game is suing ESPN for defamation for its coverage of his power nap. More specifically, 26-year-old Andrew Rector is seeking \$10 million in damages from ESPN because the network’s cameras caught Rector snoozing in the stands and, [according to the complaint](#), “opened an unending verbal crusade against the napping plaintiff.”



Defamation: injuring another's reputation by making false statements.

o **Slander:** malicious false statement made orally to a third party.

o **Libel:** malicious false statement in written, printed, or some other permanent form (TV, Radio, Internet, Text, Snapchat, Twitter).



3min Judgement against Jones



Central Park Five

Wrongly Arrested and Imprisoned suing Donald Trump for Defamation

False Imprisonment:

a false imprisonment claim, a plaintiff must prove:

- (1) willful detention; (2) without consent; and (3) without authority of law.

Can be by government or private citizens.



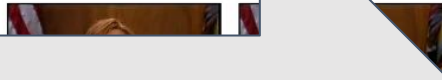
Juan Johnson - Wrongly convicted 3min



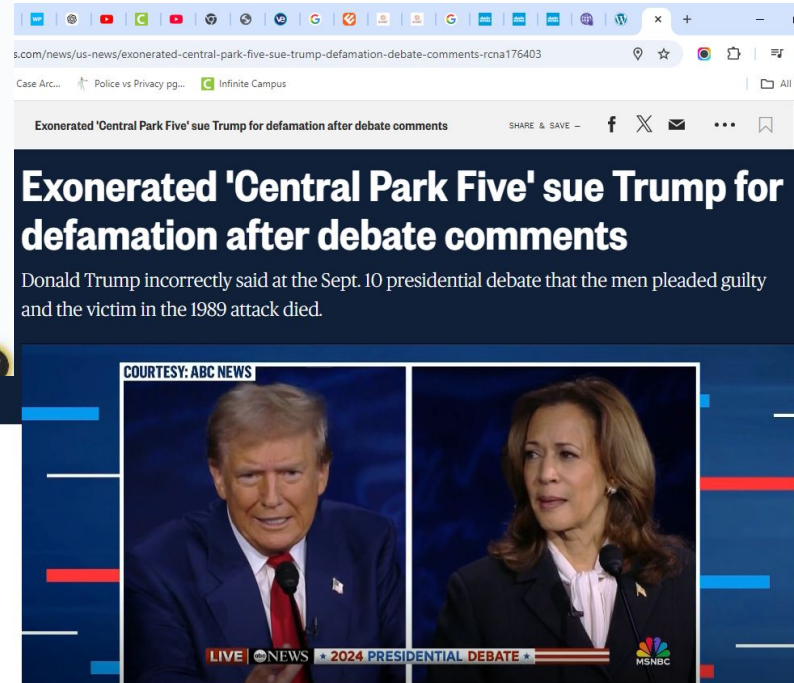
Howcast - How to Make a Citizen's Arrest 2min



1min video



link Summary 3min



link 4min

Defamation over a FaceBook review?



Is this defamation?

D  **N'T**
Date **A Player.com**

D  **N'T**
Date **HimGirl.com**



Nicolas Frachon Phony

Nic Frachon
USA - California

Posted by: **melyca3**

Views: 45

Date: 6/22/2020 5:29:49 PM

This man is a predator. He's the kind of guy that will throw you overboard on your honeymoon cruise. A sex-addicted psychopath with no remorse. He's a massive manipulator with the charm of Ted Bundy. His ego needs to take a plunge down to his IQ. There's not one honest bone in his body. Don't believe his lies and love-bombing used to lure you in. I

[view more...](#)



Lying manipulating leech

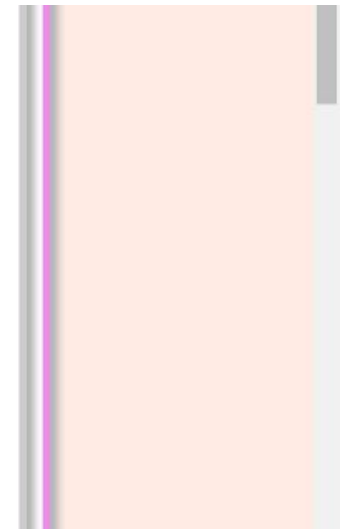
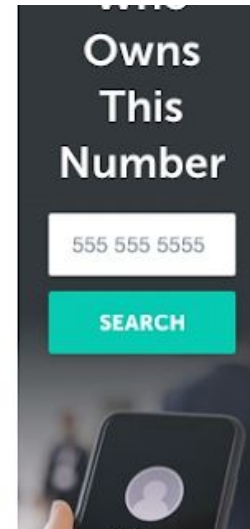
Alay Ali
Australia

Posted by: **Amylark87**

Views: 10

Date: 6/15/2020 12:43:35 PM

Stay away from this one he will lie till he gets you and then just use u like your a piece of garbage this one has multiple girls each day and will steal from u take what ever he can and make u think his only with u all whyle his actually sleeping around with no protection or contraception his ex wife has a restraining order as he is abusive and he



DON'T
DateHimGirl.com
Research & Woman Search
Where nice guys

HOME ABOUT US MEMBER FORUMS SEARCH PROFILES

ALLEGED CHEATER
todd hollis

Dark and handsome ladies, he looks like a chocolate dream. Until you get to know him. His crib is a dump. He wears dirty clothes all the time. He's an attorney but you would never think so cause he complains about paying child support for his kids. He got hook-ups in every zipcode in the USA. He's hot....DON'T LET HIM FOOL YOU GIRL!

Age: 37
Race: Black
Height: 6 ft 2 in
Weight: 175



Students choose an option

Pear Deck Interactive Slide
Do not remove this bar

What is true on an internet blog? What is not true on an internet blog?



What Happens When You Become Viral Content Without Your Consent

It's generally legal to film and photograph people in public, and there's little legal recourse for people unhappy about their image being captured in a public space.

Private citizens can bring a false light claim against someone for intentionally or recklessly misrepresenting their image in a highly offensive way, but those are high bars to clear and it costs a lot of money to take someone to court, Mark Bartholomew, a law professor at the University at Buffalo.



(Celebrities have a higher burden of proof when they bring a defamation claim against the paparazzi, for example, because they are voluntary public figures and generally have more resources to combat false narratives about themselves.)

“Once you're in the public area, there's a lot of freedom for people to record you without your permission,” Bartholomew said.



What is a defense if someone is sued for Defamation? the TRUTH!



1. Opinion “I think the manager at the the used car lot, Steve, is a crook”
2. **Privileged speech:** protects debate of legislative and judicial matters.
(i.e. evidence presented in court, debate in congress)
3. Public officials and public figures have a tougher time proving slander because they have voluntarily chosen public lifestyle... statements are **"privileged"**
4. Uncontradicted rumors, Outlandish stories



Negligence

The failure to exercise the degree of care that a “reasonable person” would have exercised in the same circumstances.



Double ouch: Doctor operates on wrong knee



Steve Anderson had to rehab two knee surgeries at once after a doctor operated on the wrong leg. JUSTIN M. BOWEN



<https://www.youtube.com/watch?v=Ey7yyN4HucU&sp=ygUNeW1fY9Bkcm93pmiuZw%3D%3D>



Negligence

link

I Was Injured
By Spilled
Liquid &
Produce at a
Grocery Store.
Can I Sue?

PB
AR POYNTER & BUCHER
ACCIDENT RECOVERY
ATTORNEYS AT LAW



In order to receive compensation, a few conditions must be met:

- The produce or spill must have caused your fall.
- The fall must have resulted in injury.
- As a result of the injury, you have suffered damages.
- The store personnel either knew or should have known about the spill.
- The store personnel did not clean up the spill or post obvious warnings.
- IF the slippery surface is caused by a leak in a freezer or other equipment, it is accepted that the store should have known because it is their equipment.
- IF another customer drops a bottle of olive oil right next to you and you immediately slip, you would not be able to prove the store responsible because it was not cleaned up in seconds. They are not expected to have precognition.
- IF the oil had been on the floor for a while, it is more likely that your attorney will be able to prove that the store should have known about it and was negligent.

Elements of Negligence

1. The defendant owed the plaintiff a **duty of care**.

2. Breach of duty

The defendant failed to act as a "reasonable person" would have in the same situation.

3. The plaintiff suffered some **actual harm** or injury.

i.e. physical injuries, property damage, or financial loss?

4. **Causation:** The breach of duty by the defendant was the **proximate cause** of the injury to the plaintiff.

We must ask: Was the injury foreseeable at the time?

If this man, as a result of his unnecessary surgery become addicted to painkillers, is the doctor the cause of the addiction?

NO. The doctor's negligence was the cause of the pain, but NOT the addiction.

The addiction "injury" was not foreseeable and was not DIRECTLY caused by the negligence..

Double ouch: Doctor operates on wrong knee



Steve Anderson had to redo two knee surgeries at once after a doctor operated on the wrong leg. © 2016 M. BOWEN

Amazon Driver Hits House (2 min)



foreseeability test in negligence asks whether a reasonable person could predict or expect that their actions might cause harm to someone else.



People's Court Egg Case
Proximate Cause? Actual Harm?

12min

Negligence? You be the judge!

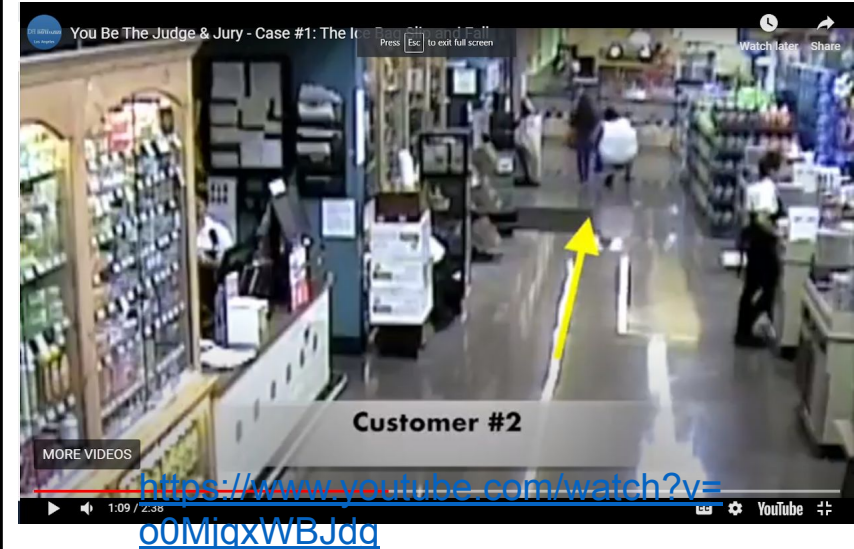


Negligence? You be the judge

Is it negligence? Let's test it

1. Did the store owe the plaintiff (the injured) a duty of care.
2. Did the store breach the duty by failing to act as a "reasonable person" would have in the same situation to prevent the injury?
3. Did the breach of duty by the store cause the injury to the plaintiff? Was the injury "foreseeable"?
4. Did the plaintiff (the injured) suffered some actual harm or injury.

Lawyers for the Plaintiff (injured):
Make your case as to why your client should receive compensation for their injury, caused by the negligence of the store.



Lawyers for the Defendant (Store):
Make your case as to why your client (the store) was not negligent and is not liable and should not have to pay for the person's injury.

Negligence?
If so, on who's part?

<https://www.youtube.com/watch?v=7V88wJTFDyE>



[http](http://)



<https://www.youtube.com/watch?v=UQYucoApW1g>



Defenses to Negligence

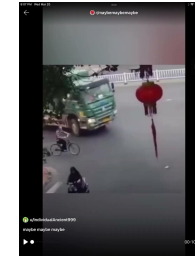
1. Eliminate one of the four elements of negligence.
2. **Contributory negligence**: negligence on the part of the plaintiff that assisted in causing his injuries.
3. **Comparative negligence**: negligence of each party is compared and the plaintiff's recovery is reduced by the % of his negligence.
 - Plaintiff's negligence must usually be less than 50 percent.
4. **Assumption of risk**: the plaintiff knew of the risk involved and still took the chance of being injured.
(i.e. parachuting, car racing, rock climbing, scuba diving)



Strict Liability

Applies to ultrahazardous activities (keeping wild animals, skydiving, scuba diving).

People engaged in these activities are held liable, regardless of how careful they were and regardless of their intent.



Amusement Park Ride 1min



<https://www.youtube.com/watch?v=yv3j6w9ub3w&list=PLX2NpZt>

Accident - Lane Chng 1min



Bungee Jumping 2min

DRIVE-THRU SAFARI

\$25 PER VEHICLE

\$60 12+PASSENGER VAN

NO BOOKING NEEDED

- DRIVE YOUR CAR ALONG OUR MILE LONG PATH
- SEE OVER 100 EXOTIC ANIMALS!
- ANIMALS INCLUDE ZEBRAS, BISON, CAMELS, EMUS, WATER BUFFALO, WILDEBEEST & MORE!



STAY IN
YOUR CAR
WINDOWS UP

P
L
E
A
S
E

DO NOT
PET OR FEED
THE ANIMALS



Survival and Wrongful Death Statutes

A lawsuit even if both the plaintiff and the defendant are deceased.

o Brought by the lawful representatives of the estate

Wrongful death statutes preserve the rights of third parties affected by the death of the person to bring a lawsuit (children of a person killed by a drunk driver).

 Detroit Free Press

Pittsfield police officers now liable for up to \$50 million in wrongful death suit

... Arbor towing company are facing a \$50 million wrongful death lawsuit for their alleged connection to a drunk driving crash that left two people ...

Mar 8, 2020



 Greenville News

Greenville restaurants reach \$2.05M settlement in fatal DUI

Attorneys for Bailey's estate filed a wrongful death lawsuit on Dec. 18, 2018, arguing the wreck could have been avoided if Redden had been ...

May 6, 2020



 Monadnock Ledger Transcript

Estate of New Ipswich couple killed in drunk driving crash

...

The suit requests compensatory damages for pain and suffering, personal injury, mental pain and suffering, and the wrongful death of the ...

Jul 1, 2020



 Northwest Herald

Crystal Lake attorney pleads not guilty to DUI charges ...

... Drive intersection when, for unknown reasons, Roth's SUV rear-ended the Pedretti's Jeep, according to a related wrongful death lawsuit.

Jul 9, 2020



Lewis Simpkins died after an August football practice 4 years ago

FOOTBALL PLAYER'S DEATH LAWSUIT SETTLED



Fri, 10/23/2020 - 2:46pm

Parents sued for wrongful death at River Bluff

A deceased River Bluff High football player's parents have settled their wrongful death lawsuit.

Their son, Lewis Simpkins, 14, a 6-foot-2, 270-pound defensive tackle, died Aug. 10, 2016, after a 2-hour and 15-minute practice in heat near 100 degrees.

Lexington County circuit court filings did not include financial details which is common in such settlements.

In the lawsuit, Willie and Shonda Simpkins charged:

- Their son collapsed after a practice where coaches punished the team with sprints and strenuous exercises

With humidity, the heat index that day was 95 degrees.

- The players were penalized for poor performance in a scrimmage the day before.
- Former players claimed it was the hardest practice they ever had.

- Their son collapsed after the full-pads practice, which did not end until the coaches ordered players to run "gassers" and do "up-downs."

- Lexington District 1, Lexington County, the SC High School League and the SC. Board of Education were blamed for failing to adopt and enforce policies to protect student-athletes training in extreme conditions.

The lawsuit had asked for unspecified damages to be decided by a jury.

Lexington County Coroner Margaret Fisher said Simpkins died from a pair of pre-existing heart conditions that were exacerbated by the heat and humidity.

Simpkins had 2 doctor's physicals the year before his death.

Neither picked up any heart abnormalities.



In the news... death on the set of "Rust"

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'Rust' shooting investigation: Halyna Hutchins' husband hires wrongful death attorney

Charles Trepany USA TODAY

Published 11:19 a.m. ET Oct. 29, 2021 | Updated 2:47 a.m. ET Nov. 4, 2021



10.28.2021 3min

Parents Get \$2.9M in Down Syndrome Girl 'Wrongful Birth' Suit

Ben Edwards/Getty Images

The parents of a four-year-old Oregon girl with Down syndrome were awarded \$2.9 million after doctors misdiagnosed their daughter as not having the condition during a prenatal screening.

Ariel and Deborah Levy of Portland, Ore., filed a "wrongful birth" lawsuit against Legacy Health System, claiming that they would have terminated the pregnancy had they known they would have a special-needs child.

The Levys said the doctors were "negligent in their performance, analysis and reporting" of test results after their child was born as well.



© Facebook

Happy: Kalanit Levy, pictured with her brothers, was born with Down Syndrome after a botched prenatal test failed to spot the condition



What result does one want when taking someone to “Tort Court” (not a legal term)

- **MONEY!:** Usually the victim receives monetary damages.
- An **injunction** is a court order issued by a judge ordering a person to do or not to do something (used when monetary damages will not be adequate).

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Judge halts developer in Fishkill flooding lawsuit

John Ferro Poughkeepsie Journal
Published 4:37 p.m. ET May 22, 2016 | Updated 9:58 p.m. ET May 22, 2016

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The developers of a seven-home subdivision in the Town of Fishkill have been ordered to halt further work on drainage infrastructure that one of its neighbors says caused flooding on its property.

State Supreme Court Judge Christine Sproat on May 17 granted the East Hook Sportsmen Association's request for a preliminary injunction against Mid-Hudson Development Corp., builders of the Washington View development on Cary Road.

The club is one of two neighbors who have complained that drainage infrastructure and site work have changed how water flows off of a steep hill behind the development.

East Hook has sued the developers, seeking damages for flooding that occurred earlier this year, some of which damaged Norm's Pond, a state-licensed rainbow trout preserve.

Douglas Dwyer, who lives across the street from the development, said the work has dried up the shallow well at his home. Dwyer, 39, said he intends to take legal

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'It smells like death:' Alabama endures NYC 'poop train'

JEFF MARTIN and JAY REEVES Associated Press
Published 8:08 a.m. ET April 18, 2018 | Updated 10:05 a.m. ET April 18, 2018

View Comments



The poop train's cargo is bound for the Big Sky landfill, about 20 miles (30 kilometers) east of Parrish. The landfill has been accepting the New York sewage sludge since early 2017. Previously, it was transferred from trains to trucks in nearby West Jefferson, but officials there obtained an injunction to keep the sludge out of their town.

The sludge "smells of dead rotting animals as well as human waste," West Jefferson's attorney said in a lawsuit against Big Sky Environmental LLC. It also caused the community to become "infested with flies," the complaint states.

Injunction: a court order preventing a party of performing some act.

- Used when money damages are not sufficient to give relief.
- i.e. Dutchess County wants to use property right next to the high school for a municipal garbage processing operation.

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Paying your lawsuit in pennies... maybe a bad idea.

\$23,500 in Coins to Pay a Settlement? Judge Says Keep the Change and Try Again.

A Colorado judge ordered a welding company to use a check or other conventional method to pay a settlement after it tried to deliver 6,500 pounds in coins.

<https://www.youtube.com/watch?v=xAnBuYJUK3g>



In the order, Judge Findley said that while coins were legal tender, paying such a large settlement in coins would reduce the settlement because of the time and expense required to accept it.

He said photographs showed that the coins had also been removed from neatly organized boxes and dumped “loosely and randomly” into a metal container.

Shop Owner Who Paid Ex-Worker in Pennies Is Ordered to Pay More

A federal judge issued a consent judgment that requires the auto shop owner to pay more than \$39,000 for retaliating against the former worker and for failing to pay overtime to employees.



<https://www.youtube.com/watch?v=mdVxXL-eXc4>

“Investigators learned that Walker later paid the former employee’s final wages of \$915 by delivering about 91,500 oil-covered pennies and a pay stub marked with an expletive to the worker’s home,” the Labor Department said.

Mr. Flaten said that he had spent two hours one night cleaning the pennies so that he might be able to drop them in a coin-sorting machine. He sloshed them around in a giant vat of Dawn dish soap, white vinegar and water. That failed. He has found that to get the greasy solution off, he has to wipe each penny individually. It took him around two hours to get \$5 worth of pennies cleaned.

He has thought about filing a lawsuit, but he knows that what happened may not be technically illegal.

End of Chapter Review:

Who is the plaintiff in a tort court case?

What is the plaintiff seeking in court?

What is negligence?

What are the elements of negligence?

Attachments

Ch04 - LadyCausesRiotInStorewithOffertoBuy4Everyone_FOX_2009.wmv

Ch4- GirlsGoneWild_Privacy_Lawsuit_2min.wmv

Ch04 - Negligence - BeBugsinNYC_WPIX_2009_3min.wmv

Ch4 - Tort_TattooMistake_ABC_1min.wmv

Ch04 Negilgence_CopShootsHomeownerNotIntruder_FOX_2009.wmv

MotorcycleCrash.wmv

Ch4- Strict Liability Bungee Jumping.wmv

Ch4- Tiger_Attacking_Man.wmv

Ch4- SpikeTVInjunction_2min.wmv