# Business Law

## February 6, 2013

* Check gets intercepted by thief and deposited in wrong account
  + Conversion - Banks refusal to deliver money as you ordered
* **Intention Torts against Person**
  + **False Imprisonment**
    - **Definition** – (pg. 118) “An intentional detention without consent of the person detained.”
    - There has to be a detention, it does NOT have to be by physical course “will you wait here please” or within four walls, it has to be stopping someone from going on.
    - If you are detained and the person who detains you says “I am going to call the police, please wait here” could you walk away if you wanted to? Yes.
  + **Shopkeepers Privilege (Get around the tort of false imprisonment)**
    - 1) Retailer has to establish he detained the plaintiff based upon a reasonable suspicion of shoplifting
    - 2) The detention has to of occurred in a reasonable manner
    - 3) The duration must be only for a reasonable time
    - The justifications are called affirmative defenses, the burden of establishing them are on the defendant.
* **Defamation**
  + Pg. 22 in notes & cases
  + A false statement of fact, communication to a third party, harm, and malice for a public figure
  + The first three parts of the above are called Prima facie case, the plaintiff is REQUIRED to prove at least one in court.
  + That rational with malice is that you should be able to express yourself for election purposes. The other idea is that those people will have access to the media to rebut it.
  + Libel – A defamatory statement that has a characteristic of permanence. Harm is presumed if libel
  + Slander – The harm must be established
  + Defense against Defamation for the Defendant
    - Truth
    - Qualified Privilege