# Business Law

## February 11, 2013

* **Defamation**
  + False Statement of Fact, Communication to a 3rd Party or Publication (Any communication negligent to a 3rd party), and MUST be harmful (libel or slander) to the party.
* Malice – The person is a public figure.
* False Statement of Fact
  + The statement has to be false, if it’s true it isn’t defamation.
* Is it a fact or opinion?
  + Webster vs. Wilkins (pg 25)
    - Since the statement is an opinion there is no defamation.
  + Shuellver vs. Swan
* Defenses against Defamation
  + Truth
  + Qualified Privilege
  + Consent
* ***What do you do if personal information, such as if you were arrested and the police report was sent to the wrong individual?***
* SLAPP – Strategic Lawsuit Against Public Participation
  + A suit to get you to shut up
* **Negligence – Failure to be Reasonable**
  + 1) Duty of Care
  + 2) Breaching of duty
  + 3) Must cause injury / harm to the person (plaintiff)
  + 4) Causation – There has to be a link between the defendants failure to use reasonable care and injury.
    - Actual cause (fact)
    - Proximate cause (theory)