# Business Law

## February 13, 2013

What is conversion?

* Negligence – Failure to be Reasonable
  + **Requirements**
    - Duty to use reasonable care
    - Breach of duty
    - Injury
    - Causation
      * Actual cause
      * Proximate the cause
  + **When does a duty exist?**
    - A duty to use reasonable care is going to exist when two things happen
      * When there is a foreseeable risk
      * When the defendant has control over that risk
  + **What then constitutes reasonable care?**
    - **Trespasser** – Someone who comes onto your premise without authority. What duty do you owe for the reasonable safety of that trespasser? Essentially none. You have an obligation to not hurt the trespasser, but you can use reasonable force to protect your property or others on your property. If the trespasser is a child (under 18), then the trespasser is treated as a business invitee.
    - **Business Invitee** – Someone who comes onto your business premise for the mutual benefit of you and him or her. Customer. The business has an obligation to mitigate the risk of any unreasonably dangerous conditions. You have to have actual knowledge or constructive knowledge.
      * **Constructive Knowledge** – What you should have known. There is a premise defect, the exercise of reasonable care, you should of found it.
        + **Wal-Mart v. Gonzalez** – Business invitee (customer) slipped on spilled macaroni salad. Sued Wal-Mart for negligence, failed to maintain premise in reasonable state by not picking up the salad. Wal-Mart said we didn’t know, she said you should have. Was the macaroni salad on the floor long enough that they should have known?
    - **Licensee** – Someone who comes onto your business premise, with your permission, but is not there for the mutual benefit of you and them. Primarily there for their own purpose. Examples: Someone who comes into your office to have lunch with one of your employees, someone who drives an employee home. Warn the licensee of latent (non-obvious) defects of which you have actual knowledge.
* **Lee Lewis Construction, Inc. v. Harrison**
  + When?
  + What?
    - Hospital -> LLC -> KK Glass -> Harrison
    - The general manager for the LLC did not make sure Harrison was wearing a lifeline.
* What is common in your industry in your geographic are
* **Trammell Crow Central Texas Lmt. V. Gutierrez et. Al.**
  + Because of the violent crimes occurring prior there were five factors that were focused on
    - Proximity
    - Publicity
    - **Recency** – Often looked at with frequency together.
    - **Frequency** – Often looked at with recency. Are crimes recently happening and how often?
    - **Similarity** – How similar were the prior crimes to the crimes at issue?