Business Law

* Negligence
  + Duty to reasonable care
  + Breach of duty
  + Injury
  + Causation – Actual cause / proximate cause
* Premises Liability Case
  + You must determine what constitutes reasonable care – the nature of the visitor.
* Brookshire Brothers, Inc. vs. Lewis Case
  + Business invitee
  + Why do we care he is a business invitee? It provides him a standard of conduct.
  + But for test
    - But for, brookshire brothers failure to have adequate barriers, would lewis of been injured?
  + Brookshire brothers had this happen numerous times in the previous 13 months.
  + Actual Cause vs. Proximate Cause
  + Breach of Duty
    - Defendant – Remote probability, not worth the cost is the reason they didn’t buy the barriers.
    - Actual past evidence was seen, thus it was cost effective.
* Proximate cause
  + Whether the plaintiff’s injury was a foreseeable result of the defendants conduct?

If the plaintiff assumes a ***known*** risk, then the defendant isn’t responsible for harm as a result of the risk.

Express assumptions of the risk, oral or written,

When we get to contracts, we will study expressed assumptions of the risk.

* Comparative Negligence (Brooks v. City of Baton Rouge)
  + Sues for negligence, defendant is comparatively negligent. They share the damage award.
  + Lingo
    - Common Law
    - Proportionate responsibility
  + Duty to use reasonable care
  + Breach of duty
  + Injury
  + Causation
    - Actual cause (fact)
    - Proximate cause (forseeable result)
* Strict liability
  + One should be liable for the damage of ones conduct, for the conduct is unreasonably dangerous.
    - No culpability whatsoever
* Old Island Fumigation, Inc. v. Barbee, et. Al.