

# BUSINESS & CRIMINAL LAW

## *Chapter 4 Test*

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1. Tort law and criminal law have similarities and differences. Using the following diagram, indicate at least 1 similarity and 2 differences.

Similarity	Differences	

2. Give an example of an incident that could lead to both a tort lawsuit and a criminal charge.

3. If you were being sued for negligence, you have three defenses available to you:

Contributory negligence ● Comparative negligence ● Assumption of the risk

Choose one of the defenses listed above and thoroughly explain the defense.

4. When someone has been “wronged” and sue a person in a tort lawsuit, they are usually seeking one of two remedies. What are the two remedies we discussed in class and which remedy is the most common?

2 remedies:

Most common remedy:

5. Match the tort example with the tort name.

Slander	A.	National Enquirer printing false accusations against Jessica Simpson
Nuisance	B.	Your boss falsely tells employees that you stole supplies from the business
Invasion of Privacy	C.	Mr. Front, owner of The Front Room places a picture of the mayor eating pizza at The Front Room in the newspaper without the mayor's permission
Libel	D.	As owner of a clothing store you detain a suspected shoplifter in a closet for 3 hours until police arrive
False Imprisonment	E.	Your neighbor's turkey farm is emitting noxious odors
Trespassing	F.	John goes deer hunting on an area farm without permission
Product Liability	G.	McDonalds happy meal toy (nerf shooter) caused a serious finger injury to a toddler.

6. Take a stand on tort reform—you are either an opponent (against) or a proponent (for) tort reform. Give two reasons why you are “for” or “against” tort reform.

### ***TEST – CHAPTER 4 CASES***

1. Mike and his friends were driving around on county roads last weekend. While driving down one road, everyone got out of the car and ran onto Farmer Brown's field in an attempt to scare the cows. When Farmer Brown caught the boys, they said he couldn't do anything to them. Can Farmer Brown take any action against the boys? Explain.

2. The Lewis family owned a hog farm in a rural community. Recently, the neighbors have been complaining about the disgusting odors that have been filling the air. They have not been able to go outside or let their children play outside, and on occasion some of the family members have become ill because of the smell. What action can the neighbors take?

3. Jessi Slither owned a pet python that she kept in her dorm room at college. Jessi took extra precautions making sure the snake was secured safely in its cage. However, one night the snake escaped and caused extensive damage to several dorm rooms, not to mention frightened many students. It is unknown whether the snake got out on its own or whether several students played a prank and released it while Jessi was out one night. Who is responsible? Explain.

4. Amy was sunbathing in a revealing bathing suit at her home one afternoon. Without her knowledge, Jake photographed Amy in her bathing suit and put the picture in an obscene magazine that Jake circulated around school. What are Amy's rights?

5. Jackson's was having its annual sale, starting Saturday morning at nine o'clock. By nine the crowd was getting restless and loud. At 9:10 a.m. the doors were opened and the showing and pushing started. A sudden surge from behind pushed Joanna Largess against a large plate glass window; the window shattered, and Joanna was badly cut on the wrist and upper arm. Joanna brought an action against Jackson's, claiming the store failed to take adequate precautionary measures. Jackson's countered, "There was no way of predicting the disorderliness of the crowd. No one forced her to come to the sale." Could Joanna collect for her injuries by suing Jackson's for negligence? **Be sure to address each element of negligence that must be proven in order to win a lawsuit.**