

BM 220 – Business Law

Discussion Posts / Case Study Template

As part of each unit / lesson, you will be given an assignment to **review 2 cases** from within that unit (both contained in your textbook) and provide specific feedback as explained below.

It will be very helpful to refer to the instructions and examples from pages 8-11 of your textbook to understand how these assignments should work.

Case #1 that you will review will be a **Case Summary**. This is a *real case* that has been decided by the court system. For each **Case Summary**, answer the following questions in complete sentences:

1. Who is the **plaintiff**?
2. Who is the **defendant**?
3. Which **court** heard this case?
4. What is the **issue** (question) being decided?
5. Did the **holding** (decision) of the court (a) **reverse**, (b) **remand**, or (c) **affirm** the lower court's ruling?

See a good example of a student response on the back of this page.

Case #2 that you will review will be a “**You Be the Judge**” case. This is also a real case that has been decided by the court system; however, you are only given the facts of the case, the issue, and the arguments for both plaintiff and defendant. You are not given the holding (decision) of the case. For each “**You Be the Judge**” case, answer the following questions in complete sentences:

1. What is the legal **issue** that the parties are disputing?
2. Based on what principle(s) would the court determine its decision in this case?
3. Does the plaintiff or the defendant make the better legal argument, *and why*?

See a good example of a student response on the back of this page.

You will provide your review of both cases each week using the Discussion Post module. You will be prompted through the weekly lessons in Edvance 360, with the link to these posts.

Sample Responses

Although your answers should be stated in complete sentences, you do not have to retype the original questions also.

Case #1 (Case Summary)

Using the case on page 8 of your textbook as an example, *here is what a student response worthy of full credit would look like:*

Case #1:

1. The plaintiff is Karl Kuehn.
2. The defendant is Pub Zone.
3. The court hearing the case is the Superior Court of New Jersey.
4. The issue is “Did the Pub Zone have a duty to protect Kuehn from the Pagans’ attack?”
5. The holding of the court reversed the lower court.

Case #2 (“You Be the Judge” case)

Using the case on page 11 of your textbook as an example, *here is what a student response worthy of full credit would look like:*

Case #2:

1. The legal issue is whether a bartender had a duty to allow a stranger to use their phone for an alleged emergency taking place elsewhere.
2. The courts would look at the rules concerning (a) duty to allow others to exercise reasonable care, (b) the foreseeability and imminence of harm, and (c) the connection of the employee’s conduct to the harm.
3. The plaintiff’s argument was better, because the bar into which the “good Samaritan” went to use the phone was a public establishment open during business hours. This bar was not refusing any customers, so it should have at least let a stranger use the phone. The defendant’s argument that this would open up liability for owners of private residences really didn’t apply, because homeowners can just simply choose not to open the door.