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Professor Gomez
Business Law I
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Business Law Final Exam

1. Steven now seeks monetary damages and is suing Air Transport for Pedro's actions, in Civil Court. There is no dispute that Pedro is an agent of Air Transport.

- a. What standard(s) will the court consider in its evaluation? Will Steven prevail (win) in his claims against Air Transport for Pedro's actions? Why yes or why not? Please explain your conclusion(s) by analyzing the applicable standard(s), if any. (20 points)

Steven will definitely prevail in his claim against Air Transport for many reasons. The largest being that Pedro was contracted and hired as an employee for Air Transport. Meaning that Air Transport had the opportunity to recognize his rage issues and possibly liability through beginning interviews and constant interactions during his hours with the company. Pedro was also on the job, using a truck of Air Transport's property when he committed this crime, meaning they will be held as responsible. To discuss the truth of this situation being a criminal violation is also easily recognized. Steven had informed Pedro of his reckless driving by gesturing to him. That was not an act of aggression in any way rather than a signal to stop his behavior. Then for Pedro to exit his vehicle and assault him is a criminal violation.

2. Mr. Lane is concerned that Pedro may hurt Steven again. Mr. Lane has contemplated letting the court know about his conference with Pedro where Pedro said he wants to "finish the job." Please assume that Mr. Lane is located in a jurisdiction where the American Bar Association Model Rules of Professional Conduct have been adopted.

- a. Will Mr. Lane be authorized in sharing his conversations with Pedro with the Court? Why yes or why not? Please explain your conclusion(s) by analyzing the applicable standard(s), if any. (10 points)

Though the confidentiality law may seem to work in this situation, it does not because of the breaking of the confidentiality law. There are few things that will break the law which includes the client desiring to administer or continue harm to someone else. Pedro admitting his rage and malice to the extent of first degree murder, proves that this is threatening Steven's life. The client's desire to enforce harm is a reason for the client and attorney privilege to be disrupted.

3. What affirmative defense(s) would you raise in defense of Jackson, and why? Please explain your conclusion(s) by analyzing the applicable standard(s), if any. (20 points)

There are a few things i would raise in defense of Jackson. The first point I would make was that the intention of this lawsuit was for public embarrassment that did not in fact involved Jackson. The embarrassment started four years after the event took place and was because of a edited reel that was posted on the internet. Because the reel was taken by a non-employee of Jackson and was edited to change the truth of the situation, this takes away the fault of Jackson. Jackson could also argue that the fault of the escalator was at Caesar. Jackson could argue that he was an independent contractor that caused this issues.

4. Solely for this question and without influencing any other questions/answers, please assume these additional facts: Niko immediately contacted Domingo and Dilia after their fall. Niko promised Domingo and Dilia that he would delete the video as long as Domingo and Dilia stop posting content on their social media accounts for 1 year. Niko created several copies of the video. Domingo and Dilia agreed to this arrangement and an agreement was signed with terms as described above. Niko sent Domingo and Dilia a photo of a destroyed copy of the video at the time of signing the agreement to show good faith. 9 months after said agreement, Domingo and Dilia posted a video visiting a new mall. Niko now wants to sue Domingo and Dilia for breach of contract. (10 points)

- a. Please assume that the Court, during discovery, finds out that Niko still has several copies of the video. Will the Court enforce Niko's agreement with Domingo and Dilia? Why yes or why not? Please explain your conclusion(s) by analyzing the applicable standard(s), if any. (Worth 10 points)

No, the court would not enforce this agreement because this is an illegal contract. The reason for this is because Niko attempted this form of contract out of black mail. This entire contract stems from an immoral and corrupt public policy. Dilia and Domingo were coerced into signing this agreement due to the embarrassment and possible loss in business.

5. Please assume that you are an attorney hired by "Independents for Paula Win."

- a. If you appeal the FEC's decision, will you prevail? Why yes or why not? Please explain by analyzing the pertinent section(s) of the Citizens United v FEC decision and the facts of this case. (20 points)

Yes, if one were to appeal against the decision of the FEC then you would prevail. Whether or not this action was committed by the hands of one individual, an organization, or a political candidate, they are still using their First Amendment right to exert freedom of speech. To fine against wrongful opinions or abuse of financial aid would be restricting the voice of the citizens. To restrain voices of people is to take away their right to speak freely. If an organization is held to similar expectations and laws as an individual citizen then they are also

entitled to experience similar freedoms.

6. Solely for this question and without influencing any other questions/answers, please assume these additional facts: Please assume that the facts above occurred prior to the decision in *Citizens United v FEC*.

a. Would “Independents for Paula Win’s” ad be considered acceptable under the first amendment’s freedom of speech? Why yes or why not? Please explain by analyzing the pertinent section(s) of the *Citizens United v FEC* decision to the facts of this case. (20 points)

I would argue that it would be accepted under the meaning of the First Amendment. The ad that was shared may have been targeting against a specific individual, yet the opinions of someones character, actions, and intentions are sound under the First Amendment. Just because it is against George Lose does not mean it is negatively infringing on the First Amendment. To regulate the type of speech stated is again restricting the Freedom of Speech to people.