Patty Plaintiffs Really Bad Week

[Name of the Writer]

[Name of the Institution]

**What types of legal claims could Patty make against Cash Mart, Gerry, and Acme Corporation? Consider the following:**

1. **What are the possible tort claims that Patty can make against Cash Mart? Discuss the elements of the claim and how those elements relate to the facts in the scenario.**

An unjustified act which causes a plaintiff to face any damage or loss is considered a tort. It might not be something prohibited because of a contract signed but it is wrong in the civil. The tortfeasor is liable to the legal penalty caused due to his or her negligent behavior. These cases involve private parties which means that no lawsuits or detention is needed. Just like in the private parties, the party host or the tortfeasor does not intend to hurt someone intentionally and want to enjoy their own time at their own place, but the loud music or the noise from the party may disturb the neighbors. Similarly, the tortfeasor, although, not planning intentionally to cause any damages or harm to the plaintiff, still becomes a cause of pain for him or her and thus becomes liable for punishment (Hall, 2015). Matters are sorted via damage restoration or injury recovery but this requires a strong case which demonstrates that the tortfeasor is actually responsible for the damage faced by the plaintiff. A tort can be of one of three types considered usually. It can be a strict liability or an intentional or negligent activity.

Intentional crimes or wrongdoings committed by a person fall under the category of Intentional Tort. This means that the offender was aware of what was being done and chose to do it with the sole intention of harming the plaintiff. Various offenses are placed in Intentional category for e.g., assault with or without a firearm, criminal conversion and fraudulent dealing violating privacy or trespassing on public property. Negligence is the case where the offender failed to take (or not take) a measure (or measures) which resulted in the injury of the plaintiff. It has to be proved through a set of limits set by the rule. Strict liability tort happens when a person places another person danger because of any dangerous thing or animal or product they own.

As Patty was wrongfully accused of stealing without a piece of evidence and then placed in a room. The statement tells that she did not do anything wrong but only tried to leave the store when the security guard stops her, takes her to a separate room and tells her to not leave the room or she will go to jail. All this without a piece of evidence is wrong and illegal as well. This is a threat and falls under the category of Emotional Distress which is sometimes called tort of outrage too therefore, she can file a lawsuit. Another factor to be considered here is the reputation of Patty which has been slandered as other shoppers must have seen what happened. Harming or injury be it physical, mental or societal must be viewed as injury tort. This was negligence on behalf of the security guard who didn’t do his job properly or must have gotten wrong information thus becoming a negligence tort if further cleared. She had to wait for an hour in that room before the manager came in and apologized to her for a misunderstanding. She lost her repute, mental peace and time which is irreplaceable and surely uncompensated with a mere apology. She is permitted to compensation through negligent tort on the behalf of a security guard and intentional tort from the manager who could not manage to come at once and took an hour to deal with a serious matter. Either he or she was busy or did not care about handling her or another piece of the case could be that he or she was unable to find proof and delayed facing her. In either case, Patty can file a lawsuit against both of them, the security guard and the manager and the store itself, for causing harm to her mental peace, distorting her image in public and wasting her precious time. It can result in either the loss of job for the security guard or the manager or both and can even result in the closing of a store on a temporary or permanent basis.

1. **Was Gerry negligent when he hit the golf ball that injured Patty? Discuss the elements of negligence and use facts from the scenario to support your decision.**

Gerry is playing golf in his backyard. He is entitled to do whatever he wants to do within the limits of his own property. Sports which include throwing balls or other objects at far away distance are not something unfamiliar to anyone and he must have known what he was doing and the consequences it would bring. He must have known that a golf ball moving away could have hit a person, a car, a window or an animal. In any case, it was negligence on his part and he is liable for hitting Patty.

When the fast-moving ball moves away from the source it gains speed and hence more momentum. Being a player, he must have realized this and the possibility of it hitting a person being the worst case scenario there were chances that it would land on some grass patch or may hit a tree. In any case, he is responsible. If it is considered the intentional harm that he planned to hit a person or a car or property or an animal, he falls under the first category of tort. If it was mere negligence then he is responsible for negligent tort. If the third category is taken into account, Gerry owned and used an object which might have caused harm to someone. In this case, it proved danger for Patty who was knocked unconscious with his golf ball.

As negligent tort is settled on the basis of harm done, she can get him to pay for her hospital bill, medication, and another fee only if it is proved that the golf ball came from Gerry. She can collect evidence from CCTV cameras installed in the parking lot of shopping store or ask the people between the parking lot and Gerry's backyard as they must have seen the ball soaring. He must know that there are golf clubs to practice new drivers and they are meant to keep the people safe. Even if she was not hit or had a minor injury, Gerry must still be responsible for the strict liability tort because his playing golf would be a danger to anyone living close by or just passing from there.

1. **Does Patty have a right to privacy when using Acme Corporation’s email system? Discuss the elements of the claim and how those elements relate to the facts in the scenario.**

Almost all companies have their own email database and emails are considered documents. This implies that whatever employees are sending or receiving is stored in the company database, even if it is deleted from a computer it is present in the system. In various court cases, such emails and their content are used as evidence for sexual harassment, discrimination claims, and some other illegal issues. Providing employees with an email address is for the sole reason of separating the private and professional communication of employee. Companies can monitor employee emails for multiple reasons and it is justified as employees sign this in the agreements without reading it thoroughly. The mailing system provided by a company is their property and it is never to be used for any private or personal communication by a worker (Sun, Zhang, Xiong, & Zhu, 2014). Not only the mailing system, the whole computer system or any machine provided to the workers to carry on the operations of the business is the sole property of the business owner and they can monitor it any time, that what an employee is doing on their provided property and how he or she is using it. They can even implement any sort of rules and regulation for the usage of this system or machinery and may charge a penalty or fine or both over the misuse of the machine as per their defined rules and regulations.

 After a head injury, Patty might have forgotten this or was just not in the right frame of mind. This is debatable just to assess how much she is to be considered responsible for this action still he had no right to privacy when using the Acme email system. Employers have the right to go through any workspace of an employee at a given time and it includes their files, desks, lockers, even computers. There is a worldwide debate about this, specifically about how much companies can know and how can it interfere with the professional life of a worker. The work being done within professional limit needs no protection from an employer and therefore they are at the right stance when holding all authority on what goes on within their company. Employees have no right to privacy in the workplace provided by an employer and Patty was wrong to claim a right here.

1. **Can Patty be legally fired from her job for making negative comments about her boss and her company on social media? Discuss the elements of the claim and how those elements relate to the facts in the scenario.**

A company is as strong as its reputation which means that no business would happen if a company loses its goodwill to people. Companies used to put out all their plus points and achievements in the flyers but nowadays it is all more accessible in the form of social media. Everyone is using it and it is a cheap source of publicity. It is a useful commodity but it has its dangers as well. Lawsuits regarding cybercrime and cyberbullying are a common case and everybody knows how fast news spread on it (Aggarwal, Arora, & Ghai, 2014). Nobody confirms a thing before retweeting/reposting it. Considering such a situation, everyone should be very careful about what they post on it and how they use it. Regardless of the nature of the issue, it must be dealt with in a decent place with a suitable solution and outcome. Just throwing information out there is not a sensible thing to do.

Being an employee, some responsibility is expected from people regarding the firm they work for. The main thing being the protection of their company's reputation. All employers ask their employees to protect the name of the agency and they have established rules against maligning the name of the firm. Patty posted negative comments about her company and her boss. Her social contacts would have seen that everybody who knew about the company would have considered that and even her co-workers who would be otherwise unaware of her being sent home on a leave because of her own fault of using office email for personal uses would get a negative image for the company. This would lead to a negative impact and maybe distrust in other employees thus she was fired. Her company had to protect their reputation and for that, they had to cut ties with a person trying to sabotage their image, their legal decision to fire her was correct. She had already been facing a privacy issue and this would be the final nail. She is the one responsible for her actions and the subsequent consequences which she should have seen coming. Everyone has to follow the rules set by their employer and rather than trying to impugn the firm they have to sit and think rationally about their options.

**References**

Aggarwal, P., Arora, P., & Ghai, R. (2014). Review on cybercrime and security. *International Journal of Research in Engineering and Applied Sciences*, *2*(1), 48-51.

Hall, M. I. (2015). Theorizing the Institutional Tortfeasor. *Alta. L. Rev.*, *53*, 995.

Sun, Y., Zhang, J., Xiong, Y., & Zhu, G. (2014). Data security and privacy in cloud computing. *International Journal of Distributed Sensor Networks*, *10*(7), 190903.