

TAKING DEPOSITIONS IN A TORT CASE

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What do you have to prove?

Negligence

- a. Duty
- b. Breach
- c. Proximate Cause
- d. Damages

Premises Liability

- a. Possession and Control of Premises
- b. Entrant's Status
 - i. Invitee
 - ii. Licensee
 - iii. Trespasser
- c. Defendant's Duty
- d. Dangerous Condition

Vicarious Liability

- a. Employer-Is employee in course and scope (non-intentional tort)
- b. Is person an employee or independent contractor (right of control)
- c. Does general contractor have right of control over work of subcontractor.

How to impute the gross negligence of an employee to a corporation

- a. Corp authorized the act
- b. Employee was unfit and Corp was reckless in employing him
- c. Employee was a “vice-principal” or in a “managerial capacity”
- d. Corp or vice-principal/manager ratified or approved the act

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