

Professor's Name:

Student's Name:

Course:

Date:



The advertisement for Essayhandler.com features a clean, modern design with a light blue and white color scheme. At the top left, the logo 'A+ Essayhandler.com' is displayed next to a blue button that reads 'No.1 Essay Writing Service'. Below this, a large blue heading states 'Get Quality Help on Your Essay from Subject Experts to Score Good Grades.' To the right of the text is a circular image showing three students (two men and one woman) working together at a desk with a laptop. Below the heading, a blue bar contains the text 'Any paper Any subject Any academic level' with red arrows separating the phrases. Underneath this bar are three blue square icons: a document with a pencil (labeled '11150+ Projects Delivered'), a smiley face (labeled '300+ Experts'), and a thumbs up (labeled 'Better Results'). On the right side of the advertisement, there is a vertical blue panel with two white rounded rectangles. The top one is titled 'Main Features' and lists: 'Plagiarism & Error Free Assignments', 'Affordable prices', 'On-time delivery', and 'Security And Privacy'. The bottom one is titled 'Subject Experts' and lists: 'Nursing Assignment Help', 'Management Assignment Help', 'Accounting Assignment Help', 'Law Assignment Help', 'Business Assignment Help', and 'Marketing Assignment Help'. An illustration of a graduate in a green gown is positioned between these two sections.

A+ Essayhandler.com ➔ No.1 Essay Writing Service

Get Quality Help on Your Essay from Subject Experts to Score Good Grades.

➔ Any paper ➔ Any subject ➔ Any academic level

- 11150+ Projects Delivered
- 300+ Experts
- Better Results

Main Features

- Plagiarism & Error Free Assignments
- Affordable prices
- On-time delivery
- Security And Privacy

Subject Experts

- Nursing Assignment Help
- Management Assignment Help
- Accounting Assignment Help
- Law Assignment Help
- Business Assignment Help
- Marketing Assignment Help

Business Legal Torts: Wal-Mart v Henry Walker

Facts

On 25 June 2015, Henry Walker, an army veteran, was trying to purchase a watermelon at Phenix City Walmart store in Alabama when his foot became trapped in a wooden pallet. Unaware that his foot was lodged in the pallet, Henry turned and fell, causing him to break his hip (Silverman). The retail giant, Walmart, or its employees had placed the watermelon container in such a way that Henry was unable to see the pallet under it, and when he reached for a

watermelon from the watermelon container, his foot became trapped. Due to the container's size, the defect was not an obvious hazard.

Issue

Was retail giant Walmart negligent for not keeping its premises in a safe condition for all its visitors or warning them about the hazardous condition of the watermelon container and its wood pallet?

Rule

For the event involving Henry falling and breaking his hip at Walmart to be considered negligence, it has to present the four different negligence elements. First, Walmart (the defendant) would have to owe a duty of care to Henry Walker (the plaintiff). Second, the duty to Henry has to be breached by Walmart. Third, Walmart's breach of duty has to be either the cause in fact or the proximate cause of Henry's hip injuries. Fourth, Henry's hip injuries have to be legally recognizable in expense incurrance or harm due to Walmart's negligence (Manglik 601).

Analysis

To prove that an individual or an organization is responsible for one's injuries or expenses, their negligence acts have to be shown. Acts of negligence can only be established through the fulfillment of the four critical elements associated with negligence. In this case event, the plaintiff (Henry Walker) has to prove the four negligence elements that resulted in the hip injuries (Manglik 601). First, plaintiff Henry Walker must prove that Walmart (the defendant) owes him a duty of care. Duty of care refers to the legal obligation of ensuring that other people are safe and never to act in a manner that may result in harm (Greene 3).

Consequently, Walmart owes a duty of care to Henry walker and everyone who visits the store. Being the store and landowner, the duty of care falls on Walmart, which has the legal obligation to keep its premises in a safe and reasonable condition and inform the public about any unsafe or hazardous regions of its property. Henry expected reasonable care while making all purchases, including the store's watermelons, because Walmart is the property owner. Ultimately, Walmart should have foreseen the harm that the watermelon container and the wood pallet could cause to its business invitees or employees.

Breaching the duty of care by Walmart is the second element of negligence, which Henry Walker (the plaintiff) has to prove that caused his hip injuries (Greene 70). A breach means the failure or the violation of standard care that results in injury. In this case, Walmart failed to provide standard care to its customers. Due to Walmart's breach of the duty of care, the 59-year-old army veteran Henry Walker shattered his hip, reaching to pick a watermelon from a display container. Henry's injuries can be attributed to Walmart's violation of care because, under the watermelon container, there was a wood pallet in which his foot was lodged, causing him to trip.

The third element that the plaintiff (Henry Walker) has to prove whether the causation of the duty of care breach was either the cause-in-fact or the proximate cause of Henry's hip injuries (Team). Because Henry's injuries were caused by the wood pallet under the watermelon container in which his foot got lodged, the causation would be the proximate cause. Proximate cause is also known as a legal cause, is an event or the actions that the courts deem to cause injury. While proving the proximate cause of an event, it is vital to consider the case's foreseeability aspect. Foreseeability is a law concept used in injury cases that assess the proximate cause of an injury (Henslee and Henslee 168). This legal concept asks whether the

individual causing an injury could have reasonably foreseen it or its general consequences. In the Walmart v Henry case, foreseeability legal concepts can be used to test whether Henry's hip injury was a foreseeable consequence of Walmart's actions of using a pallet to display watermelons. Walmart should have reasonably foreseen the consequence of using a wood pallet to display watermelons. Ultimately, the foreseeability concept asks whether Henry's hip injury was a foreseeable consequence of Walmart's actions of using a wood pallet to display watermelons?

The presence of legally recognizable harm is the last element of negligence that the plaintiff (Henry) needs to prove to the court (Team). If there are no legally recognizable harm or damages, then the case will be dismissed. In business torts lawsuits, recognizable harm or damages are classified as either actual or general compensatory damages. Actual damages are also called special damages and are intended to replace what was lost, such as medical bills and lost earnings. On the other hand, general damages have no exact monetary value (Bevans 74). In the selected negligence article, Henry Walker got hip injuries when his foot lodged in a wood pallet used to display the watermelons. Ultimately, the legally recognizable damages in this scenario are both special and general compensatory damages. Special damages are incurred medical costs, while general damages are in the form of the pain experienced by Henry.

Conclusion

In conclusion, Walmart was negligent when it failed to make its premises safe by using a wooden pallet to display the watermelons and never alerted the customers about the hazardous condition. As a result, the 59-year-old army veteran, Henry Walker, suffered hip injuries after his leg lodged into the pallet while reaching a watermelon. Walmart's negligence was proven using the four elements of negligence, which are the duty of care, breaching the duty of care,

proximate causation, and the presence of legally recognizable hip injuries. As the Phenix store's landowner, Walmart owes Henry a duty of care because he is its customer. Notably, Walmart failed to provide the duty of care by not providing a safe condition to its customers and not warning them about any hazards. Failing to provide a safe environment was the proximate cause of Henry's hip injuries. Bearing that Henry incurred pain and medical costs, his special and general injuries are legally recognizable.

Works Cited

Bevans, Neal R. *Introduction to law for paralegals*. New York: Wolters Kluwer, 2021.

Greene, Brendan. *Course Notes: Tort Law*. 2013.

Henslee, William D and Elizabeth Henslee. *Entertainment law and business*. New York: Wolters Kluwer, 2019.

Manglik, Rohit. *Preparation, DU LLB Law Entrance Exam 2021 / 10 Mock Tests + 25 Sectional Tests For Complete*. EduGorilla Community Pvt. Ltd, 2020.

Silverman, Ellie. "Democracy Dies in Darkness." *The Washington Post* (2017).

<<https://www.washingtonpost.com/news/business/wp/2017/11/10/he-says-he-shattered-his-hip-buying-a-watermelon-at-walmart-a-jury-awarded-him-7-5-million/>>.

Team, FindLaw's. *Elements of a Negligence Case*. 30 September 2019.

<



Essayhandler.com

**Paper Due?
Why Suffer?
That's Our Job.**

15% OFF On All Orders
.....Limited time Offer.....

✓Plagiarism-Free ✓Top-Quality ✓Affordable Prices

Check Prices

essayhandler.com