

Case Brief

Name

Institutional Affiliation



Case one

Case name

Luke records, Inc. V. Navarro, 960 F.2d 134

Procedural history

The defendants made an appeal upon the first appearance to the court.

The jury accepted the appeal on the basis of lack of evidence provided that showed the music by Luke Records was actually obscene.

Facts

For music to be determined as obscene according to the Florida state laws, it has to meet the three provided criteria. The first criterion is determining if the average person listening to the music would find it obscene. The second criterion is whether the work or music portrays offensive or sexual conducts that are defined by law. The last criterion is if the music lacks any value, particularly artistic, political, or scientific.

Issue

Is the music produced at Luke Records really obscene and lacking in any artistic value?

Rule

The court ruled that the music recorded at Luke records was absence to

some extent, especially the song **Nasty as they wanna be**. However, the court found out that the accuser failed to provide sufficient evidence to the case at the time required. Further, the evidence displayed was a song played before the court. This evidence failed to meet the legal definition of obscenity.

Reasoning

The court acted under the reasoning that the music played before the court was obscene on a general level. However, there was no way to determine the level of obscenity to a particular individual. Therefore, the level of obscenity varied between people.

Disposition

The court overruled the accusations on Luke Records on the basis of lack of evidence

Comments

The ruling of the case was justified by the Florida state laws and reasonable on an individual perception. Though the sheriff may be unimpressed by the music, the fact that Luke records have a fan base that supports its music could have also facilitated in supporting their position in the case.

Case two

Case name

Diane Geringer v. Wildhorn Ranch, Inc. Dec. 14, 1988

Procedural history

The case was presented before the court for the first hearing and the relevant claims presented. Later, the defendants had requested an appeal. However, the court denied a second hearing, finding the defendant guilty of the accusations.

Facts

Diane Geringer is in pursuit of justice over the deaths of her husband and son. The two died in a boat at Wildhorn Ranch. The boats were later to be found faulty and leaking, something that the victims were not warned about. The owner of the Ranch is Mr Waters. However, he attempts to evade responsibility by claiming that he had passed over the management of the ranch to Wildhorn.

Issue

It was the responsibility of the ranch to ensure the safety of its visitors. Their negligence led to the deaths of the two people owing to the fact that they were not forewarned about the leaking floors of the boats.

Holding/description

Wildhorn ranch is to be held fully accountable of the death of Mr Geringer and his son. Also, Mr Watters is equally responsible for the operation of the ranch and is found guilty of negligence in his organization.

Rule

The altered of corporate alter-ego theory states that the plaintiff can find an individual whose responsibility in an organization determined the events leading to the loss. In this case, the court concluded that the ranch was the corporate alter ego of Mr Watters and, hence, he was to be charged with the negligence of his organization.

Reasoning

The court reasoned on the basis of the corporate alter ego principle where the highest individual at the organization carried most of the responsibility. The court argued that the misfortunes that befell the Geringers were because of the negligence on the part of the ranch.

Disposition

The court ruled that the Wildhorn ranch and its management were fully responsible for the deaths. The defendants were then found guilty of their charges.

Comments

The argument by the court was reasonable owing to the fact that the Geringer's had met their fate out of the negligence of the Ranch's

management. The evidence that the boats had undergone recent repairs leads to the notion that their negligence led them into not forewarning users about the condition of the boats.