

LGST 369

Unit 3 – Tort Law – Torts Affecting Business and Negligence Notes

Describe the tort of conspiracy and explain the risks that arise when two or more companies plot together against another business

- **Conspiracy**
 - Occurs when two or more defendants agree to act together to cause the plaintiff to suffer a financial loss
 - Two types of conspiracy:
 - Lawful act conspiracy
 - Unlawful act conspiracy
 - Lawful act conspiracy
 - Occurs when two or more people cooperate on a course of conduct that, by itself, is perfectly lawful
 - Liability may be imposed only if the judge is persuaded that they came together for the primary purpose of hurting the plaintiff
 - Requires proof that the defendants' primary intention was to hurt the plaintiff
 - Unlawful act conspiracy
 - Occurs when two or more people commit an act that was unlawful in itself
 - The court has to be satisfied that the defendants should have known that their actions might hurt the plaintiff

Outline the elements of the tort of deceit

- **Deceit**
 - The tort of deceit occurs if the defendant (i) makes a false statement (ii) knowing it to be untrue, (iii) intending it to mislead the plaintiff, and (iv) actually causing the plaintiff to suffer a loss
 - False statement
 - The plaintiff must prove that the defendant made a false statement
 - Can take any form:
 - Spoken word
 - Written document
 - Meaningful gesture
 - Half-truth
 - Failure to update information
 - Knowledge
 - The plaintiff must prove that the defendant knew, at the time of making the statement, that it was false

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