#### **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

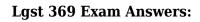
- Conspiracy
  - Occurs when two or more defendants agree to act together to cause the plaintiff to suffer a financial loss
  - Two types of conspiracy:
    - Lawful act conspiracy
    - Unlawful act conspiracy
  - Lawful act conspiracy
    - Occurs when two or more people cooperate on a course of conduct 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 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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## **Table of Contents Lgst 369 Exam Answers**

- 1. Understanding the eBook Lgst 369 Exam Answers
  - The Rise of Digital Reading Lgst 369 Exam Answers
  - Advantages of eBooks Over Traditional Books
- 2. Identifying Lgst 369 Exam Answers
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
- 3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Lgst 369 Exam Answers
  - User-Friendly Interface
- 4. Exploring eBook Recommendations from Lgst 369 Exam Answers
  - Personalized Recommendations
  - ∘ Lgst 369 Exam Answers User Reviews and Ratings
  - Lgst 369 Exam Answers and Bestseller Lists
- 5. Accessing Lgst 369 Exam Answers Free and Paid eBooks
  - Lgst 369 Exam Answers Public Domain eBooks
  - Lgst 369 Exam Answers eBook Subscription Services
  - Lgst 369 Exam Answers Budget-Friendly Options
- 6. Navigating Lgst 369 Exam Answers eBook Formats

- ∘ ePub, PDF, MOBI, and More
- Lgst 369 Exam Answers Compatibility with Devices
- Lgst 369 Exam Answers Enhanced eBook Features
- 7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Lgst 369 Exam Answers
  - Highlighting and Note-Taking Lgst 369 Exam Answers
  - Interactive Elements Lgst 369 Exam Answers
- 8. Staying Engaged with Lgst 369 Exam Answers
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Lgst 369 Exam Answers
- 9. Balancing eBooks and Physical Books Lgst 369 Exam Answers
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Lgst 369 Exam Answers
- 10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
- 11. Cultivating a Reading Routine Lgst 369 Exam Answers
  - Setting Reading Goals Lgst 369 Exam Answers
  - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Lgst 369 Exam Answers
  - Fact-Checking eBook Content of Lgst 369 Exam Answers
  - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
  - Utilizing eBooks for Skill Development
  - Exploring Educational eBooks
- 14. Embracing eBook Trends
  - Integration of Multimedia Elements
  - Interactive and Gamified eBooks

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