

# MGMT 520 Week 5 Midterm Exam

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1. Question : TCO B. The "public comment" period closes on an OSHA proposed regulation, and your business had filed a public comment against the proposed regulation explaining that the regulation would not fix the problem that OSHA was trying to remedy, that the regulation would cost more than the problem itself, and that the regulation was a tax, not a safety change. List two arguments available to your company that may succeed in overturning the regulation.

2. Question : TCO F. Target sells bags that appear to be Prada, Gucci, and Coach handbags but are priced much lower. The brand labels on the bags say "Pardna," "Guchy," and "Coaching." The prices are about 65% less than the typical brand-name bags. If the owners of the Prada, Coach, and Gucci names sue Target for palming off or counterfeiting, what would they need to prove to try to win? Do you think they would win? (short answer)

3. Question : (TCO C)Will E. Chancit, a 36-year-old attorney, was killed when his Ford Fairlane collided with some metal fence on the Harbor Freeway in Los Angeles. He was traveling at a speed between 50 and 70 mph. What happened was this: A city of Los Angeles construction crew had placed a "left lane closed ahead" sign with a "60 mph" speed limit sign under it. (The usual speed limit in that area was 70 mph.) However, the actual closed lane was the right lane. Speculation is that Will noticed at the last minute that he was in the wrong lane and over corrected, and that's how he slid off the road and hit the fence. After the collision, the car spun and the driver's door flew open. Chancit was ejected from the car and sustained fatal head injuries. Had the door stayed closed, his injuries would have been relatively minor. Chancit was not wearing his seat belt, and his wife claims he had been up all night the night before after getting food poisoning at the local Chi-Chi's.

I. Discuss the negligence or other theory for recovery in the suit Chancit's widow has brought against Ford Motor Company, the makers of the Ford Fairlane.

II. Discuss all defenses Ford Motor Company might have.

III. Discuss any liability the City of Los Angeles may have.

IV. Discuss any liability Chi-Chi's may have

4. Question : TCO D: Barney and his 16-year-old son BamBam are riding in Fred's car. Fred had taken some prescription medication that morning that stated on the bottle, "Warning, may cause drowsiness." The truck in front of them suffers a blow-out, and swerves uncontrollably. The tire remnants fly into the road, Fred swerves and hits a car to his left. He avoids hitting the truck with the blow-out but suffers damage to the left side of his car. BamBam hits his head on the side of the car, getting a concussion and permanently losing the sight in his right eye. Fred has state law required auto insurance with the minimum policy limits.

Fred's wife, Wilma, immediately calls Betty, BamBam's mom, and apologizes when she finds out about BamBam losing his eye. Wilma says to Betty, "Please don't worry. We will pay for anything the insurance doesn't cover, including the loss of BamBam's sight and anything else he needs to recover and

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**Barry Elliott, Jamie Elliott**

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