

IRAC: Jolly Trolley
Danielle A. Adams
Feb. 11, 2015

- Issue:** Is Benjamin's employer, the Jolly Trolley Co., liable for Benjamin's injuries? Is the Jolly Trolley Co. liable for Benjamin's 4 months unpaid wages?
- Facts:** Benjamin was a driver and tour guide with Jolly Trolley Co. His salary was \$1200 a month. Benjamin took his friends on a tour during off-duty hours last July. During the tour, Benjamin lost control of the trolley, and it smashed into a building. The trolley was destroyed, and Benjamin was injured. Jolly Trolley fired him and then sued Benjamin for destruction of the trolley. Benjamin believes the trolley malfunctioned and wants to sue Jolly Trolley for his injuries as well as for his last four months' wages, which were not paid.
- Rule of Law:** 1.) Code, § 114-102: In order for an injury to be compensable under the terms of the Workmen's Compensation Act, it must have been occasioned "by accident arising out of and in the course of the employment."
2.) OCGA § 34-9-17 is as follows: "Workmen's compensation shall not be allowed for an injury or death due to the employee's willful misconduct..."
- Analysis:** In the instant case, Benjamin was in commission of a traffic violation when he destroyed property at the time of the accident and his injury a direct result therein. Benjamin was not performing duties pursuant to his employment at the time of the accident. In New Amsterdam Cas. Co. v. Summrell, an injury arises "in the course of employment," within the meaning of the Workmen's Compensation Act, when it occurs within the period of the employment, at a place where the employee reasonably may be in the performance of his duties, and while he is fulfilling those duties or engaged in doing something incidental thereto. An accident arises "out of" the employment, when it arises because of it, as when the employment is a contributing proximate cause. This and the condition stated above must concur before the act can apply. New Amsterdam Cas. Co. v. Summrell, 30 Ga. App. 682, 118 S.E. 786 (1923). In Aetna Cas. & Sur. Co. v. Honea, the court upheld a denial of benefits from the claimant because "in this kind of a case the burden is on the claimant to prove that the injury for which compensation is sought arose out of and in the course of the employment before compensation can be awarded legally to the claimant. Aetna Cas. & Sur. Co. v. Honea, 71 Ga. App. 569, 31 S.E.2d 421, 422 (1944) Benjamin willfully violated

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particular Galaxy morphology has reached a renaissance The year 1958 The date October 1 The venue Harvard College Observatory The lecturer Walter Baade With amazing foresight Baade penned these words Young stars supergiants and so on make a terrific splash lots of light The total mass of these can be very small compared to the total mass of the system Dr Layzer then asked the key question the discussion raises the point of what this classification would look like if you were to ignore completely all the Population I and just focus attention on the Population II We stand on the shoulders of giants The great observer E E Barnard in his pioneering efforts to photograph the Milky Way devoted the major part of his life to identifying and numbering dusty holes and dust lanes in our Milky Way No one could have dreamt that the pervasiveness of these cosmic dust masks not only in our Galaxy but also in galaxies at high redshift is so great that their penetration is truly one of the pioneering challenges from both space borne telescopes and from the ground

Foreign Affairs Research Papers Available Foreign Affairs Research Documentation Center, *The Properties of Star-Forming Galaxies at $Z \sim 2$* Dawn Erb, 2005 We study the properties of star forming galaxies at redshift $z \sim 2$ an era in which a substantial fraction of the stellar mass in the universe formed Using 114 near IR spectra of the H alpha and N II emission lines and model spectral energy distributions fit to rest frame UV through IR photometry we examine the galaxies star formation properties dynamical masses and velocity dispersions spatially resolved kinematics outflow properties and metallicities as a function of stellar mass and age While the stellar masses of the galaxies in our sample vary by a factor of 500 dynamical masses from H alpha velocity dispersions and indirect estimates of gas masses imply that the variation of stellar mass is due as much to the evolution of the stellar population and the conversion of gas into stars as to intrinsic differences in the total masses of the galaxies About 10% of the galaxies are apparently young starbursts with high gas fractions caught just as they have begun to convert large amounts of gas into stars Using the N II H alpha ratio of composite spectra to estimate the average oxygen abundance we find a monotonic increase in metallicity with stellar mass From the estimated gas fractions we conclude that the observed mass metallicity relation is primarily driven by the increase in metallicity as gas is converted to stars The picture that emerges is of galaxies with a broad range in stellar population properties from young galaxies with ages of a few tens of Myr stellar masses $M \sim 10^9 M_{\odot}$ and metallicities $Z \sim 0.3 Z_{\odot}$ to massive objects with $M \sim 10^{11} M_{\odot}$ $Z \sim Z_{\odot}$ and ages as old as the universe allows All however are rapidly star forming power galactic scale outflows and have masses in gas and stars of at least $10^{10} M_{\odot}$ in keeping with their likely role as the progenitors of elliptical galaxies

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Photometric Redshifts and High Redshift Galaxies Ray J. Weymann,1999 The 52 papers respond to the explosion of the search for and discovery of high redshift galaxies and the application of broad band photometry to obtain remarkably reliable estimates of the redshifts of galaxies at all redshifts spurred not only by the Hubble Deep Fields but also by the advent of wide field CCDs on ground based telescopes and the development of sensitive infrared submillimeter and millimeter instrumentation They discuss techniques findings and integrating new data into existing models of galaxy formation and evolution

INDIAN BANKING Prof.Sri Hari V.,Prof.Saravanan L.G.,Dr. Sreenivas D.L.,Prof.Jayashree Tambad,

Neutrinos and Explosive Events in the Universe Maurice M. Shapiro,Todor Stanev,John P. Wefel,2006-01-26 Neutrinos and Explosive Events in the Universe brought together experts from diverse disciplines to offer a detailed view of the exciting new work in this part of High Energy Astrophysics Sponsored by NATO as an Advanced Study Institute and coordinated under the auspices of the International School of Cosmic Ray Astrophysics 14th biennial course the ASI featured a full program of lectures and discussion in the ambiance of the Ettore Majorana Centre in Erice Italy including visits to the local Dirac and Chalonge museum collections as well as a view of the cultural heritage of southern Sicily Enri ment presentations on results from the Spitzer Infrared Space Telescope and the Origin of Complexity complemented the program This course was the best attended in the almost 30 year history of the School with 121 participants from 22 countries The program provided a rich ex rience both introductory and advanced to fascinating areas of observational Astrophysics Neutrino Astronomy High Energy Gamma Ray Astronomy P ticle Astrophysics and the objects most likely responsible for the signals plosions and related phenomena ranging from Supernovae to Black Holes to the Big Bang Contained in this NATO Science Series volume is a summative formulation of the physics and astrophysics of this newly emerging research area that already has been and will continue to be an important contributor to understanding our high energy universe

Relativistic Astrophysics Carlo Luciano Bianco,She-Sheng Xue,2008-01-18 All papers have been peer reviewed This is a conference for physicists in particular from China and Italy to present their most recent research works on both theoretical and observational aspects of Relativistic Astrophysics The conference topics cover

the following research fields gamma ray bursts galactic dynamic and survey dark matter dark energy and high redshift universe black holes neutron stars and supernovae general relativity classical and quantum gravity and field theory Some exciting breakthrough discoveries announced at the conference were The new classification of fake short GRBs new results on neutron stars electrodynamics the process of thermalization of an electron positron plasma and the pair production rate in non uniform electric fields **Publications of the Astronomical Society of Japan** Nihon Tenmon Gakkai,2008

Transactions of the ASAE. American Society of Agricultural Engineers,1995 *At the Edge of the Universe: Latest Results from the Deepest Astronomical Surveys* José Afonso,2007 This volume contains the proceedings of an international conference held in October 2006 in Sintra Portugal on the recent results from the deepest astronomical observations of the Universe Focused on the latest observational developments in galaxy and structure formation and evolution as given by the use of the most powerful telescopes working throughout the electromagnetic spectrum the conference assembled some of the most active researchers in the field The ninety eight contributions included in this volume represent the state of the art of research covering such topics as the first billion years of galaxy formation probing the reionization epoch obscured galaxy populations and their role in galaxy evolution early AGN activity the star formation and mass assembly history of the Universe massive galaxies at high redshift and the metallicity history of galaxies A particular emphasis is given to the unification of the different views given by observations at different wavelengths making the books a valuable reference for researchers and graduate students interested in the exploration of the distant universe publisher s website **Geological Survey professional paper** Geological Survey (U.S.),Geological Survey (U.S.). Geographic Names Information Management,1987* **Journal of Indian Education** ,1996 *Astronomy and Astrophysics* ,2009 Monthly Notices of the Royal Astronomical Society ,2012 Portfolio of 8 charts accompanies v 83 *Cosmic Frontiers* Nigel Metcalfe,Thomas Shanks,2007 These proceedings of an international conference held during July August 2006 in Durham UK provide a comprehensive up to date overview of recent observational breakthroughs from the present generation of astronomical surveys and what they imply for theories of galaxy formation and cosmology Starting in the early Universe with the observations of the microwave background the evidence for the standard cosmological model provided by the WMAP satellite is reviewed It is the exquisite balance between the impressive fit to the microwave background temperature fluctuations provided by the standard model and its requirements for finely tuned dark energy and a still undetected Cold Dark Matter particle that makes this such an exciting moment in cosmology Other pieces of evidence for the standard model are also reviews these include the form of large scale galaxy clustering from the extensive 2dF and SDSS surveys and also the Type Ia supernova Hubble diagram all of which involved heroic astronomical efforts in surveying the sky The conference then looks at the deeper surveys now aimed at understanding the processes of galaxy formation and evolution Here there appears to be considerably less support for the standard model In particular massive early type galaxies appear to be old and also to have

been in place at high redshifts This evolutionary behavior does not arise naturally from the standard model and the proceedings review ways of reconciling such observations with theory Thus the 15 invited reviews 29 contributed talks and 39 poster papers combine to provide a state of the art snapshot of the observational questions set by survey astronomy for theories of cosmology and galaxy formation The book is suitable for researchers and graduate students interested in both theoretical and observational aspects of survey astronomy galaxy formation and cosmology publisher s website

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