

**I of II. Viviano v Jewelers Mutual Insurance Co.**

A. The *Viviano* case deals with an insurance claim by the plaintiff, the Vivianos, for the loss of a diamond ring.

1. At the outset the defendant insurance company had asked for ‘summary judgment’.
  - a) What is meant by ‘summary judgment’?
  - b) What was their reasoning of the insurance company for asking for summary judgment?
  - c) Why did the court not grant summary judgment in favor of the insurance company?
2. The Viviano’s policy is what is known as a “personal property floater policy”. What is the important feature of this kind of policy for the benefit of the insured?
3. What is meant by “*contra proferentem*” and why does this doctrine exist?
4. The Vivianos claim that the phrase “care, custody or control of the insured” is ambiguous. What kind of ambiguity (lexical, syntactic, or phonological) is this?
5. a) Consult any standard dictionary and give one or two definitions for each of the terms: “care”, “custody”, “control”.  
b) In your opinion, which term is most ambiguous? Explain the ambiguity.
6. In the end the court does grant summary judgment, but in favor of the Vivianos. For what reason(s)?

## II. Jespersen article

Jespersen takes issue with the philosopher, John Stuart Mills, in regard to Mills' analysis of proper names or nouns.

1. Explain Mills' distinction between connotation and denotation.
2. According to Jespersen can proper nouns have meaning? What would he say about the name, "Brad Pitt"?
3. You read in a newspaper article: "San Diego is becoming another Los Angeles." Are the names of these two cities being used in the same way? Explain.
4. The following chart has two columns: common nouns and proper names. Fill in the corresponding missing terms. The first one has been done for you.

Common nouns	Proper names
man	John
automobile	
	Mac
country	
	Kleenex
beer	

5. a) You have a friend, Paula Johnson. Would it be appropriate to start a conversation by saying "I had lunch with Paula yesterday."?  
  
b) You have two friends, Paula Johnson and Paula Smith. These two women are also friends with the person you're talking to. Would it be appropriate to start a conversation by saying "I had lunch with Paula yesterday."? Is this an example of 'lexical ambiguity'? Explain.  
  
c) What do these two scenarios tell us about the use of proper names and how is this relevant for the two ships named "Peerless"?
6. I sell you a raffle ticket for a trip to Paris. You are the lucky winner and I inform you that you have won a trip to Paris, Texas. You protest vehemently claiming that you thought the raffle was for a trip to Paris, France.  
  
a) Explain why you feel your interpretation is the correct one.  
  
b) What do you think would happen if you took me to court?