

## **QUESTION ONE**

### **Pia v. Don**

#### Negligence

- Failure to render immediate aid (by supplying oxygen mask)
- Def. had a special relationship (business owner/invitee) giving rise to a duty to act

#### Assault

- When Pia saw Don reach down to shake her wheelchair
- no self defense, she'd already been deprived of the pepper spray
- No evidence Pia saw Don reach for pepper spray, self defense available if she did

#### Battery

- When Don grabbed pepper spray
- self defense available, will control
- When Don grabbed her wheelchair
- no self defense
- argument of reasonable force to eject a trespasser/defend personal property unlikely

#### Conversion

- When Don very substantially deprived Pia of pepper spray
- self defense

#### Trespass to chattel

- See conversion above: took pepper spray in self defense

### **Don v. Pia**

#### Assault

- When Don ducked pepper spray stream

#### Conversion

- poinsettias: no intent and no transferred intent allowed

#### Trespass to chattel

- poinsettias: transferred intent from attempt to batter Don with pepper spray

#### Trespass to land

- Pia entered store only with intent to punish Don. Not shop, browse, etc.

Insanity not a defense to the intentional torts

**QUESTION TWO**

Petra v. Dirk

False imprisonment

--When Dirk locked bus and walked back to talk to Petra. She was not in motion, doors locked, so FI likely even though she was on street she would have been on anyway.

--Second false imprisonment when Dirk, wrongly believing she committed vandalism, took Petra to the police station.

--defense of justification

False Arrest

--possible in some jurisdictions (see case book page 49, notes 1 and 2)

Conversion

--destruction of bus pass

--taking of computer

Trespass to chattel

--destruction of bus pass

--taking of computer

Intentional Infliction of Emotional Distress

--The pattern of remarks and other misconduct

--Dirk's status as common carrier makes behavior more egregious