

Question One

Pita v. Dee

Assault

- was apprehension reasonable
- defense: recapture of property/shopkeeper's privilege
 - pursuit not fresh
 - was aggressive approach unreasonable assuming some detention allowed

False Imprisonment

- no reasonable means of escape in facts
- defense of recapture/shopkeeper's privilege (see above)
- locking someone in store excessive even assuming some detention ok

Dee v. Pita

No trespass to chattel on movement of angel

Assault

- Dee ducked so apprehension
- defense: self defense, but is belief in need for it reasonable and is force excessive

Battery

- see self defense issue above

Trespass to chattel

- if wolf damaged

Conversion

- if wolf destroyed
- self defense issues above

Trespass to chattel

- window is a fixture not chattel
- if damage to shopping cart possible trespass to chattel
- may be self defense here since escape from unjustified imprisonment

Negligence

- Pita's car accidentally struck Dee's

Negligence per se

- after common law negligence analysis, do a neg per se analysis

Question Two

Ping v. Dyson

No intentional trespass or trespass to chattel for first persimmon

Negligence

- duty to use reasonable care to avoid injury to persons/property off premises
- interesting issue re unforeseeable type of damage (injury to dog) from persimmon dropping on Ping's deck (Polemis/Wagon Mound)

Trespass to land

- intentionally dropping persimmons onto Ping's property

Battery

- transferred intent to Ping (who slipped and fell) from intent to trespass to chattel by leaving persimmon for dog to eat and get sick

Negligence

- possible negligence in choosing to try to hurt dog, creating a foreseeable risk of harm to Ping (long shot)

Dyson v. Ping

Trespass to land

- when persimmon thrown over fence

Trespass to chattel

- when dog struck in eye

Conversion

- resulting from very substantial deprivation caused by death of dog