

Question 1

Wet security guards v. unidentified local thugs Battery (define) - No evident defense/privilege for local thugs throwing guards into the water troughs, a patently offensive— If not harmful—touching. If any of the guards did suffer harm through exposure to the veterinary sedative Phil put into the troughs, these defendants would be liable for that injury as well; Phil's act very unlikely to result in people drinking the sedative and thug's intervening intentional act would be superseding cause. **5 points**

Injured fans in arena v. City of Midville, Phil, & Wild Will Negligence (define) - Each of these defendants had a duty to avoid subjecting the fans to unreasonable risk. Wild Will and employee Phil had special "expert" knowledge of the animals and the risk thereof; Phil's act of putting the vet sedative into the horse troughs—which was implicitly endorsed by Wild Will— was an acknowledgement of the perceived risk, through it proved wholly ineffectual. Question of whether Mayor/City reasonably relied on assurances from Phil, agent for the "expert" entity Wild Will's Extravaganza, which downplayed the danger. (Issue of possible immunities from liability of the Mayor and city will be covered in second semester.) The decision by both to proceed with the lower wall was an actual cause of the bull's rampage among the guests and the resulting panic which harmed additional guests and the proximate cause as well, as no their acts intervened to sever the chain of causation. **11 points**

Ted v. Sue Negligence (defined above) - Sue did not shoot with the intent to hit Ted or any other person, so no battery cause of action, but however well-intentioned, her shot was poorly-aimed/timed, so she breached her duty to avoid subjecting Ted to unreasonable risk of harm. The facts are unclear on question of whether it was the bullet, the trampling by the stampeding crowd or a combination of the two that killed Ted. If the later, it would be an "indivisible injury" with joint and several liabilities for Sue, Wild Will, and the City. Sue's possible claim that the stampeding crowd constituted a superseding cause would fail, as all the factors of risk were already extant and in motion when Sue chose to shot at the bull. **10 points**

Drivers and fleeing fans outside the arena v. Wild Will & City of Midville Negligence – Absent any facts that any of the drivers were exercising less than due care in driving, the damage to the cars and injuries to the panicked fans in the street outside the arena were caused by the bulls escape from the arena when the sedated guards were too slow to close the emergency doors. If you agree that the intentional tort of battery in throwing the guards into the trough superseded the lesser, arguable negligence of Phil in putting the vet sedative into the water, then the defendants in the battery would be liable for these consequent injuries. Those defendant's would argue that the bull's escape was a superseding cause that severed the chain of causation between the battery and the eventual harm to those outside the arena, a more direct and immediate cause; attributable to WW and City; both could be liable as joint tortfeasors. **9 points**

Phil v. Wild Will Battery – No evident privilege or defense to defeat this cause of action. **3 points**

Question 2

Lucy v. Norm Assault (define) While Norm's angry approach might have suggested a battery upon Lucy was imminent, she was aware her zealous bodyguards were present and thus not reasonably apprehensive. **3 points**

Norm v. Bodyguards Battery (define) - Their touching of Norm was intentional and harmful. Defs will claim appropriate defense of others (Lucy) but their protracted beating and kicking even after Norm was no threat clearly exceeded the privilege. Uncertainty as to the beating, Norm's exposure to the toxic benzene, or combination of those factors resulted in Norm's death. The bodyguards who participated in the beating will be liable only for the injuries caused by the beating. **4 points**

Bodyguards v. Norm's friends Battery – The participants in this mutual combat will likely say they were engaged in self-defense or, alternatively, defense of others. The facts are unclear and nonspecific as to each participant, so no effective determination. **2 points**

Norm v. Two Bodyguards & City of Midville False Imprisonment/Battery (bodyguards) Negligence (City) If Norm even momentarily aware he was locked in the shed before he died, bodyguards liable for false imprisonment. If so, then they may also be found liable as placing him in that shed was an actual cause—along with the gardener's forgetting to cap the benzene and lock the shed—of Norm's exposure to benzene. If Norm was unconscious, then doctrine of transferred intent would make 2 bodyguards liable for the benzene exposure as a battery. Possible expert determination of whether beating or benzene or both killed Norm. If combination, all bodyguards, gardener, and City (through respondent superior) may be held liable as joint tortfeasors for the indivisible injury. Gardener/City will claim gardener's careless failure to cap benzene was an actual cause but not the proximate cause, as that clearly superseded by wrongful intervening FI/Battery. **8 points**

Alice v. Sue Battery – Forcible pulling the remote control from Alice's hand was an unprivileged, offensive touching. **2 points**

Alice v. Sue Trespass to Chattel/Conversion (define/distinguish) If the remote is fished from the pond in usable/repairable condition, then Sue is liable for T/Chattel; if not recovered/repairable, then conversion. **3 points**

Boat owners v. Sue Trespass to chattel/Conversion – Doctrine of transferred intent sufficient to make Sue liable to owners for damage to boats. Negligence could be argued here as alternative cause of action, with actual causation clear and no intervening acts. It would be unlikely that Sue liable of boat owners deaths, both as they chose to jump into the water and the City's negligence per se (discussed below) a much more proximate cause of those deaths. **4 points**

Drowned boat owners v. City of Midville Negligence (define, if not discussed above) City breached its duty of care to persons who might foreseeably enter pond (children, drunks, unwashed homeless trying to bathe) by violating the statute provided—Negligence per se (discuss w/essential elements of the doctrine). City will claim the boat owners would have entered the pond even if the depth sign had been posted, but compliance with the statute would have been unlikely to suffice to relieve City of liability, as it was the hidden water plants in the dark water that killed the owners, not depth of water. **7 points**

Alice v. Sue IIED (define) Intentional, outrageous statement made to child appeared to cause severe emotional distress; Sue likely liable. **3 points**

Senior citizens v. Lucy Battery – Lucy will claim her intentional, harmful touching was justified by her need for self-preservation, to reach her limo quickly and escape the violent scene. Her application of martial arts force to the senior citizen is likely excessive in the situation, making Lucy liable for battery. **2 points**