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Tina v. Rick

37/38

see notes,
last pg

Intentional infliction of emotional distress (IIED)?

IIED is the intentional infliction of extreme andoutrageous behavior which would cause severe
emotional distress in a reasonable person.Rick's comment about never hitting a girl was not
extreme and outrageous enough to constitute IIED.Although Tina seemed to be especially sensitive
about the comment, Rick was not taking advantage

of any known emotional weakness that Tina had.

Rick is not liable for IIED.

off base
not done
well.

pen your
repeatedly
a strong
omit,
at your
wait.

Rick v. Tina TT 1st in captions

battery? Battery is the unprivileged intentional harmful or offensive touching (HOOT) of another.

When Tina went at Rick, seriously damaging his nose, that would harm and offend a reasonable

person. However, Tina will argue that Rick consented to the touching because they agreed to

spar in the martial arts school. The question is

whether sparring implies consent to have that much

damage inflicted. It seems from the facts that Tina

went too far, because the manager Bruce had to stop her.

Tina
Rick is liable for Battery.

R v T.

assault? Assault is intentionally placing someone in reasonable apprehension of an imminent battery.

① When Rick was terrified and backing away from Tina after the first battery, he was placed in reasonable apprehension of another battery.

Rick is liable for Assault.

*It was more
a continuing battery, once
commenced.*

(but again, nicely done)

Rick v. Bruce

Negligence? Negligence is the breach of a legal duty, which is the actual and legal cause of damage.

Bruce was the manager of the studio, and the facts show that he had perviously needed to use force to stop Tina's "murderous moods" before. He owed a

high duty of care to Rick because Rick was an ^{new student} ~~invitee~~ ^{Yes, but} invitee as he was a student at Bruce's studio. ^{Careful Tina is not a hazardous condition of the property.}

Bruce breached his duty to Rick by allowing Tina to

spar with Rick, which would place Rick in

unreasonable risk if Tina was at all suseptable to

getting into her 'moods.' Bruce's negligence was an

actual cause of Rick's damages, because but for

Bruce's breach, Rick would not have been damaged. There were no ^{Tina's ???} intervening acts, but Bruce may argue that it was unforeseeable that Tina would act that way at that time. Because he had knowledge of her violent tendency, to escape liability Bruce would have to prove that Tina's aggression to Rick was unforeseeable. Bruce will also argue that he did come to Rick's aid, mitigating some of his negligence.

Bruce would probably be liable for negligence to Rick.

Because the damage to Rick was legally caused by

✓ Tina and Rick, they would be held joint and severally liable for Rick's injuries.

Tina v. Bruce

battery? Defined supra.

When Bruce hit Tina in the face, blinding her, that constituted a harmful touching, but Bruce will

③ probably be able to claim defense of others if he can

prove that the force he used was necessary to

protect Rick from further injury from Tina. He had

used that move on her before to get her out of her

'moods', presumably without extensive injury to Tina.

Bruce is probably not liable for battery to Tina.

Bruce v. Officer Lou

assault? defined supra.

Lou pulled his gun and ordered Bruce to get onto the ground, but Bruce did not hear, so Lou is not liable for assault. Also Lou could claim legal authority (discused infra).

battery? defined supra.

Officer Lou did intentionally tackle Bruce, which would usually result in liability for battery. However,

② Lou will claim privilege of law, and if he can prove (through expert testimony) that it was reasonable for him to suspect Bruce was harming Rick, then he will not be held liable for battery.

Tina v. Lou

negligence? defined supra

① If the gun coming out of Lou's belt was foreseeable, and Lou was negligent in allowing it to come out of his belt, Tina may claim that his breach was a cause of her death. However, Nan's intervening action would probably break the chain of causation, and

Lou would not be held liable for Tina's death.

Tina v. Nan

battery? defined supra

*I'd suggest this topic
was a waste of your time,
but you seemed to have lots
to spare.*

Because Nan did not intend to shoot Tina, she

probably would not be held liable for battery unless

Tina could prove that Nan picking up the gun

not enough for intentional torts
created a very high probability that someone would

be shot. The gun going off was not a volitional act,

so Tina will probably not be held for battery.

negligence? defined supra

When Nan picked up the gun and accidentally shot Tina, it could be argued that she had a duty to Tina to prevent unreasonable risk of harm, and she breached that duty by picking up the gun, which she did not hold with due care, and so it subsequently went off, causing damage. Her holding the gun was ~~the~~ ^{2P} actual cause of Tina's death, and there were no intervening acts. In such case, Nan would be liable for negligence.

Bruce v. Nan

assault? defined supra

When Nan held the gun toward Bruce, and told him he was going to die, and Bruce saw that and had to duck to avoid being shot, Bruce was put in reasonable apprehension of an imminent battery.

Nan will be liable for assault.

Studio v. Nan

trespass to chattel? Trespass to chattel is the intentional interference with the personal property of another.

Under the transferred intent doctrine, because Nan intended to Batter Bruce, but the shot instead hit the

wall of the studio and caused damage, Nan will be liable for trespass to chattel.

Cathedral v. Nan

conversion? Conversion is the intentional interference of the personal property of another which constitutes dominion and control and deprives the rightful possessor of possession for an extended amount of time.

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When the bullet shattered the cathedral window across the street, the cathedral was deprived of possession of the window. Under transferred intent,

Nan will be liable for conversion because it resulted from her trying to batter Bruce.

trespass to land? Trespass to land is the intentional unlawful entry onto the real property of another.

① When the bullet went into the cathedral, it may have constituted trespass to land, because Nan caused it to unlawfully enter the real property of the cathedral.

Nan v. Jeff truck driver

negligence? defined supra.

When Jeff hit Nan, it seems that Jeff was driving

safely, and Nan was negligently running into traffic.

Jeff had a duty to prevent unreasonable risk of

harm, which it appears that he did do. Also, it

appears that Jeff would not have been able to avoid

hitting Nan because he couldn't see her until she

was 'sprinting' out into traffic from between parked

vans.

No breach of duty, so

Jeff will not be liable for negligence in hitting Nan.

Nan v. Officer Lou

negligence? defined supra.

When Lou saw that Nan had been hit, and he

retrieved his pistol from her body, then went into the donut shop, he may be liable in negligence if he caused her peril and then didn't try to help her. A duty to mitigate the peril is created when one places another in that peril. It could be argued that he did not cause her peril, she instead caused her own peril by trying to outrun him (and darting into traffic in front of a truck) after she knew she had just shot someone. Also, if Lou could prove that Nan's injuries were so severe that she would have died even if Lou had tried to help her, then he would not be liable.

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2)

Sig v. Diane

trespass chattel? Trespass to chattel is the intentional interference with the chattel of another.

When Diane put acid in Nora's spray bottle, she intended to put into action events which would end in the battery of Nora. Through the doctrine of

transferred intent, she would be held liable for the resulting damage to Sig's dog, which constitutes chattel.

conversion? Conversion is the intentional interference with the chattel of another which constitutes dominion and control, and deprives the rightful possessor of possession for an extended amount of time.

Sig eventually abandoned the dog because he lost all his fur. It seems that Sig believed the dog no longer had any value to him without the fur. Again, we can use transferred intent to hold Diane liable,

unless the false imprisonment (infra) prevented Sig from getting proper care for the dog in time for the fur to be saved. *Nice question*

Diane may be held liable for conversion.

Sig v. Mike

false imprisonment? False imprisonment is the intentional and unprivileged detention of a person to a bounded area with no reasonable means of escape.

When Mike locked Sig in the closet, it appears that there was no way to escape, and Sig was aware of

his confinement. Mike does not have a valid defense or privilege, so he will be held liable for false imprisonment.

conversion? defined supra.

If the false imprisonment was a reason that the dog lost his hair (because it prevented Sig from getting treatment for the dog), and the dog lost all value to Sig once the hair was gone, then through transferred intent Mike could be held liable for the conversion of the dog.

If the dog's indivisible injuries were caused by both

Mike
Diane and Sig, they would be held joint and severally liable for the conversion of the dog.

Nora v. Diane

battery? Battery is the intentional harmful or offensive touching of another.

The facts state that Diane was in the room with the unconscious Nora, standing over her with the champagne bottle that 'she had used to conk Noa behind her.' This could mean that Diane accidentally hit Nora with the bottle when Nora was standing behind Diane, but from the previous fact scenario, it

2 makes more sense that Diane intentionally hit Nora with the bottle, while standing behind Nora. If this is the case, Diane would not be liable for assault (intentionally placing a person in reasonable apprehension of an imminent battery) because Nora never saw it coming. Diane would be liable for battery, however, because being hit on the head with a bottle would harm or offend a reasonable person.

liable for death? Because Diane set into motion the events that caused Nora's death, she may be held liable because defendants are liable for

consequences resulting from their intentional torts,
even if unforeseeable.

Mike's acts superceding

Nora v. Mike

negligence? Negligence is the breach of a legal
duty which is the actual and proximate cause of
damage.

When Mike saw Nora unconscious, he tried to help
her, but inadvertently killed her instead. He had a

once he acted,

4 duty to prevent an unreasonable risk of harm, and

we must ask whether he acted reasonably, or

whether he breached his duty to her. He also

assumed a duty when he began helping her, the duty being to use reasonable means to rescue her. He could have checked to see if she was breathing before trying to force air into her lungs. He also could have called 911, and received advice on how to help her until paramedics came. He was 'earnest' so he was trying his best to help, but he acted stupidly. He may be liable under negligence.

Proximate Cause issues here

joint and several w/Diane?

① If the death of Nora was due to the actions put into motion by Diane, and also by negligence on Mike's part, they may be held joint and severally liable for

her indivisible injury.

Diane v. Beth

Intentional infliction of emotional distress (IIED)?

IIED is the intentional extreme and outrageous conduct inflicted on another, with serious emotional distress resulting.

Beth did rise from her seat and call out that Diane should be fired, which was heard by at least some of the audience. If Diane could prove through expert testimony that she suffered extreme emotional distress because of this, Beth may be held liable for

IIED.

injured audience v. Paul

negligence? defined supra

Negligence per se is when the breach of a statute proves duty and breach of that duty. To prove negligence per se, the plaintiff must prove that the people harmed were in the class of people the statute was designed to protect, and the injury suffered was the type of injury the statute was designed to prevent. In this case, it appears that Paul breached the statute 'PC-212' when he

intentionally and falsely warned of a fire in the theater. The statute was apparently designed to prevent panicking people from becoming injured trying to escape from a public area where there was no real danger. If it was reasonable for Paul to think that there was a fire in the building (like if there was some smoke or something), then he would not be liable for negligence per se. We must ask whether the words 'intentionally and falsely' cover a situation such as this, where someone really thinks there is a fire, but it is unreasonable for them to think so. The courts would probably look to legislative intent to find an answer to that. It is reasonable to think that the

legislature intended the statute to punish (penal code) people who intentionally panic crowds by yelling fire where there is no danger. If that is the case, then Paul would not be liable for negligence per se because he apparently believed that there was a fire.

Was he still neg by conventional proof?

injured audience v. house manager/theater

negligence per se? defined supra.

Under the statute, the theater had a duty to prevent standing-room only tickets to be sold or honored. It can be implied that the statute was designed to

prevent overcrowding of performance venues so that in emergencies there would be a better chance for people to exit without being injured. The plaintiff could look to legislative intent to prove that. If that is the case, then the theater would be held liable under negligence per se because the panicked people had to fight for escape as a result of the breach of the statute in allowing too many people to be in the theater during the performance.

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