

31/38

1)

=====**Start of Answer #1 (1425 words)**=====

Ali and Liz v. Jeff

*Well organized, well reasoned; a very lawyer-like analysis.
Congratulations.
Darr*

Assault?

Assault is the act of intentionally putting another in apprehension of an imminent battery.

Battery is the unprivileged intentional harmful and offensive touching of another.

2

"You've got 30 seconds to move this rolling dive bar off my property or I'll take it and you a part" Threat alone do not constitute a threat. However, the fact that he had the present ability to do so and was so near to Ali and Liz could be enough for an assault if they reasonably believed that he was going to batter them. *conditional the + assault*

Yes, assault

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Did Jeff have a defense? Jeff's defense would be "defense of land" and he was entitled to defend his property as long as he did so with reasonable force. *including force, in this situation*

Jeff v Ali, Liz and Albert *didn't trespass w/ duty to tell Liz song; I thought you meant Tom*

Trespass to land?

Tresspass to land is the intentional unprivileged entry onto the property of another.

↑
↓

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Ali Liz and Albert were all on the property of Jeff along with the other "thirsty fans", clearly without his permission and without legal reason to be there. Defense to this would be consent and mistake. They believed had consent to be there because they believed Tom had directed them there. However, mistake is not a defense and consent has to be legal consent or consent from the property owner. A person believing they have the right to be on another's land is still liable for trespass. *OK* *nicely done*

yes, trespass.

Jeff v. Albert

Assault, Supra?

Clutching a wooden umbrella, Albert, a patron of the mobile bar, walks towards Jeff angrily and say "you are disrespectful sir, I shall be forced to" Although Albert did not finish his sentence about what he would be forced to do, he did have an umbrella in his hand and did walk towards Jeff in an angry way. This is assault if Jeff ^{reasonably} anticipated that he was walking towards him with intention to harm him. I would argue that it would.

Albert's defense might be that he was protecting others, Ali and Liz. Albert would succeed in that defense if he there was a serious threat of bodily harm to the women. This would depend on if Jeff after threatening them seemed to take action and Albert reasonably believed he was protecting the two women from physical harm and not just from "disrespect".

~~AB~~
never
addition
(always
look for
the other
side.)

Yes, assault with possible defense.

Albert v. Jeff

Assault and Battery, Supra?

define, please.

If Jeff anticipated the battery by seeing the punch coming, and since it was in the face it is likely that he would it would be assault. Albert would have an action of battery for Jeff dislocating his jaw, on purpose.

insufficient, or most battery's would include assault.
punch may have been self-defense, if assault

but Dick was beyond.

Defense of protection of property would not apply here, even if Albert was trespassing.

The harm done was unreasonable and it wasn't clear whether notice was given to Albert to leave.

Albert v. Jeff

Conversion?

3 Conversion is the intentionally dominion or control over the right of another to possess personal property, as to constitute a loss of that item's value to Plaintiff. Damages must be proven.

Albert's
Jeff's glasses after being ^{intentionally} stomped into the asphalt no longer had value to Albert.
Therefore, conversion with no defense.

Tom v. Jeff

Assault, supra?

not cited,
w/ comment
2 Tom stood behind three bouncers when he saw Jeff approaching. He may have been in apprehension of a battery, however the fact that he was behind three bouncers made the possibility of Jeff battering him far less possible. I would argue that Jeff was not in danger, because of the two bouncers, assuming they were of "bouncer like stature" and since the present ability was not there, no assault.

Liz v. Jeff

Tresspass to Chattel or Conversion, supra?

Tresspass to chattel is the intentional unprivileged interference of property of another with by either damaging the item or depriving the owner of its use. Actual damages must be proven.

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Jeff did take the mobile bar and deprive Liz of it's use. This was unpermitted and intentional and harmful. This would most likely be trespass to chattel, however if the van was rendered useless in the end it would be considered conversion. The facts do not state the condition of the van in the end.

Liz and Sue v. Jeff

Intentional Infliction of Emotional Distress?

Intentional Infliction of Emotional distress is the intentional and outrageous conduct that causes severe emotional distress.

+1
Liz and Sue were "desperately" clutching the bottles, this showed that they were afraid and the cause of the fear was the "extreme and outrageous conduct of Jeff. He was driving erradically, and thus caused severe emotional distress, assuming the girls were not wild party girls who actually enjoyed these types of wild adventures, we could safely say that the ride in the mobile bar with the side door open, amoungst all the violence that happened in their presence, the hitting of the pedestrian and service dog and the sidewalk did cause "severe, emotional distress."

but was that Jeff's intent?

Yes.

Liz v. Jeff

Conversion, supra?

Jeff is liable for the bottles that went flying out of the vehicle as he drove away.

He thought no too, then realized this wasn't the intentional tort, just damage from the Trespass to Chattel of the van.

Woman and her service dog v. Jeff

Trespass to chattel, supra, battery, supra, Assault, supra?

Jeff would be liable for the death of the woman's dog under trespass to chattel, Jeff would be liable for the battery of the blind woman. Although because she was blind, most likely could not be charged with assault if she did not apprehend the battery. Although the car was described to be in pretty poor condition, with smoke, which may smell and maybe quite noisy, even the noise of the breaks. Any of these things could have quite possibly put the blind lady in apprehension of the battery. Jeff slammed on the brakes so he clearly intended to stop although he was unable so I would say no battery for lack of intention.

no intent to trespass

nic point if superfluous

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Yes asault, no battery.

Negigence per se?

Negligence per se is where the duty and breach of negligenc are given by violation of the statute. Causation still has to be proven. The statute can be applied only if it were being applied in protection the class of people it was meant to protect, from the type of injury it was intending to prevent.

Negigence per se could be a prima face if the statute was violated.

Statute VL121 " It is unlawful to operate a motor vehicle while any open container of alchohalic beverageis immediately accessable to the driver or the vehicle's passengers"

Negligent per se only if, the class of people was the general public against the type of injury was any type of injury by drinking and driving. Although drinking and driving did not happen here. This is vague, I would need more information as to the intent of the law in order to apply the statute

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ll
upward

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✓ Unclear

Negligence?

Negligence contains four elements- Duty, Breach, Causation, Damages.

Duty, Every person is under a prevailing duty not to subject others to unreasonable risk of harm, risk of harm is harm that is foreseeable by the act that was done in the way that it was done, the reasonable standard would be that of ordinary men and women with prudence and sensibility,

Causation is either actual, "but for" me doing A then B wouldn't have resulted and proximate the natural and unbroken chain of events leading up to the damaged. The proximate cause, the nearest cause, not attenuated by time or space, it is the legal cause and is unbroken by any superceding or intervening acts.

Breach is not performing the standard of care required.

Damages can be physical, economic, or emotional.

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Jeff did have a duty of care to operate a vehicle in a safe and reasonable manner. He breached that duty when he jerked sharply onto a busy street and he did cause damage when he killed the lady and her dog. His reckless driving was the actual and proximate cause of the deaths. Another actual cause might be Ali's negligence bringing a vehicle out into the public streets that was not safe for operation. The description of the condition of the vehicle along with the fact that she "I think the brakes are giving out" make her liable as well for the damages. I think that Jeff's act was superceding and intervening because it was unforeseeable that he was to steal the van and drive wrecklessly around town, however, she should have known of the type of injury that could have resulted from faulty brakes. ✓

I would say both are liable for the deaths.

Jeff was negligent by proximate cause and Ali was negligent by an actual cause.

Don't split the two issues; if Ali was the proximate cause, then
of liability

28/38

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End of Answer #1
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2)

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Start of Answer #2 (849 words)
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QUESTION #2

Public Pool Owner v. Jill

in context
(+2)

Trespass to Public Pool Owner's machinery room.

Trespass to land is the intentional and unprivileged entry upon the land of another.

When Jill entered the machinery room, she did so intentionally and without permission. Although the pool is a public facility, as the machinery room is locked it seems improbable that her permitted entry extend inside.

The owner of this facility, possibly the city itself will prevail in a cause of action against Jill.

Public Pool Attendees (including Officers, Sam, and Billy) v. Jill

Assault against Public Pool Attendee's persons.

Assault is intentionally placing another in reasonable apprehension of an imminent battery.

(+2)

In intentionally shouting about the acid, Jill placed person's in or near the pool in a reasonable apprehension of the imminent battery of acid burns.

they didn't hear the threat.

(+1)

As almost everyone, including the officers, were immanently battered by the acid or the fumes arising from the acid, anyone placed in apprehension of those batteries can bring suit against Jill.

reasonable

Battery against Public Pool Attendee's persons.

Battery is the intentional and unpermitted harmful or offensive touching of another.

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Jill intentionally placed the acid into the inflow valve, therefore everyone harmed (or offended) by the acid or the fumes has a cause of action against Jill. Due to the doctrine of transferred intent, even ^{those injured on the panicked exit} the officers would have a claim. Billy and Sam were further injured potentially by Sam and/or Officer Vince in their actions. Both their injuries are still subject to joint and several liability with Jill's intentional tort.

Sam v. Jill

Battery against Sam's person.

Battery (supra).

2
In striking Sam in the head with a glass bottle, and then ripping the whistle cord from his neck Jill intentionally and harmfully touched both Sam and something intimately connected to his person.

As Jill's behavior clearly constitutes battery Sam's estate should prevail against Jill for battery.

Billy v. Sam

Negligence

Sam had a duty not to subject other's to unreasonable risk of harm by not adding to the panic.

Sam breached that duty in activating the alarm and preventing communication and order.

Sam's actions were a ^{20/20} proximate cause of the stampede that caused some of Billy's injuries. While it is not foreseeable that Billy would be shot in the ensuing chaos, Billy injuring his head and falling into the pool is within the realm of causation. However, it may be proven that Jill's actions severed the chain of causation eliminating Sam's liability for damages.

but no, as they preceded Sam's.

(3) Billy was injured and ² (potentially) killed in these damages.

actually possibly

Because these actions are within Sam's duties, resulting directly from Sam's lack of training. Sam will likely have a complete defense under respondeat superior. In addition Sam's employer is not likely to pay as much due to Jill's joint and several

not a defense, just inculcate the employer as well.

Sam v. Vince

Battery against Sam's person.

Battery (supra).

Vince intentionally and without permission shot and killed Sam.

(4) Vince may claim legal authority as a defense to these claims. However legal authority requires a clear and immanent threat of death or great bodily harm to either society or the officer in order to justify the use of deadly force. Although there was a great deal of panic surrounding the situation, it seems improbable that an unarmed 16 year old would pose an immanent threat or that the use of force in discharging every round from the officer's gun was a reasonable application of force. However, if Officer Vince is able to make the case that a reasonable person would believe that Sam posed a threat of great bodily harm to Jill or the unconscious Billy, legal authority or defense of other may be an effective defense.

Billy v. Vince

Battery against Billy's person
Battery (supra).

3
Vince shot and killed Billy, thereby constituting a harmful touching. Although the intended battery was against Sam, through the doctrine of transferred intent Vince may be found liable for the battery of Billy as well

If Vince can negate his liability in the intentional tort against Sam, he may be able to mitigate his liability to negligence in the shooting of Billy. *prop - separate issues*

Negligence resulting in the wrongful death of Billy.

Vince had a duty not to subject other's to unreasonable risk of harm when he discharged his firearm.

Vince breached that duty when he shot Billy twice.

3
Vince is the proximate cause of Billy's gunshot wounds. However, it may be proven that Jill's or Sam's actions severed the chain of causation eliminating Officer Vince's liability for damages. *again; prior acts don't sever causation of subsequent acts.*

Billy was injured and possibly killed by Vince's bullets.

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Vince may have a defense in that due to Billy's asphyxiation Billy was not long for this world. Vince's bullet's may have robbed Billy of a few seconds of life that he would be liable for. However, should Vince have operated with the necessary caution not to shoot Billy, Vince, the other officer, or Jill who was a former lifeguard, may have been able to correctly perform CPR and potentially save his life. Billy's chances of survival may be *assessed by expert medical testimony* calculated by an actuary and provided to the court as a means of calculating Vince's joint liability in Billy's wrongful death.

*sudden
surge of
human
compassion?
Return to
sanity?*