

30/38 comprehensions
& articulate presentation.
Well done.

1)

Nina v. Tom

Battery

Whether Tom committed a battery on Nina when he grabbed her arm.

Battery is the intentional harmful or offensive touching of another without privilege.

Here, it is reasonable to assume that no one wants to be grabbed by a stranger in an aggressive way. "Even the slightest touching in anger is a battery." Because Tom seemed angry when he grabbed her wrist, a reasonable person would be offended or harmed. Further because she asked him to leave and he then grabbed her it is evident that she didn't want him in the building and much less would she be consenting to being touched.

A reasonable jury will likely find for Nina.

Assault

Whether Tom committed an assault against Nina when he hissed in her face while holding her wrist some menacing words.

Assault is the intentional placing of another in reasonable apprehension of a harmful or offensive touching without privilege

Here not only did he grab her, analyzed above, but he further pulled her close to him and hissed a menacing threat that he apparently would not let go until she gave him a drink. A reasonable person would believe that he would continue to batter her, or further batter her unless she gave in to his demands. Though the facts state that she looked only "slightly irritated" and not "apprehensive" it is further reasonable to assume that she may have been hiding her feelings just as she had a moment earlier when she smiled through her irritation at Tom's insult to her patrons.

A reasonable jury MAY find this to be an assault.

battery continuing

False Imprisonment

Whether Nina was falsely imprisoned by Tom when he held her wrist and did not allow her to move until she satisfied his demand for a drink.

False imprisonment is the intentional imprisoning of another against her will within fixed bounds for any period without privilege.

Here, Nina was held close to the person of Tom against her will for long enough for him to hiss threats in her face. She may have had no reasonable means of escape for the moments that this occurred because of his grip. The fact that he was putting her in duress to either give him what he wants or continue in a state of imprisonment within

his grasp, a reasonable jury may find this to be fixed bounds enough and that he neither had privilege nor had she a means of escape for the purposes of finding for Nina.

Throng v. Tom

Battery

Whether Tom committed batteries against those through whom he "pushed his way."

Battery Supra

(+1) Here the facts only say he "pushed his way though." But being pushed by a stranger who is bullying his way to a bar is not a touching that one generally consents to and a reasonable person would be offended and could be harmed. Though the facts do not indicate any harm befell any patron, harm need not be shown for the tort of battery for satisfaction. However, is it reasonable to believe that belligerents will jostle patrons of bars? Might this be considered reasonable contact with fellow humanity? A reasonable jury may find this to be the case, however it is more likely that, given his apparent roughness and manner that this too is a touching in anger and therefore may satisfy the elements of a battery.

Neighbor ^{drinker} Driver v. Tom

Battery

Whether Tom committed a battery when he sloshed his drink on his neighbor in the bar.

Battery supra

When tom sloshes liquid on his neighbor is it a battery. True that it is offensive to have beer spilled upon you, however, Tom doesn't seem to have intended to do this. His apparent intent was to ingest the beer, not to waste any of it on the person of another. Though there was a touching and it was offensive it was a result of perhaps negligent drinking more than intentional sloshing.

Negligence

Whether Tom was negligent in the bar when he sloshed a tsunami of beer on his neighbor.

Negligence is the breach of a duty owed to a plaintiff which is the actual and proximate cause of damages.

Does Tom owe a **duty** to other patrons to drink without spilling?

A standard duty is to not subject others to an unreasonable risk of harm.

It is reasonable to expect that others ingesting beer do so without spilling it upon others.

Did tom breach that duty of care?

Here, it is clear that Tom took no apparent steps to NOT spill on others as a veritable tsunami was spilled. This is more than slight negligence and perhaps grossly inadequate level of care attended to his drinking. Because beer DID spill, and a lot of it, this is an overt breach of the duty not to spill

(+2)

Did it cause damages?

In this instance, there is no mention of whether any personal property, clothes, Jewelry, purses etc were damaged or soiled by the spilling. if there is any soiling or other damage, Tom will likely be liable for them barring any defense to his actions.

*a stretch,
but well
presented-*

Does Tom have a defense?

No one consented. Nothing in the facts indicate that someone else bumped him causing the spill and no other defenses are apparent.

Tom v. Gentleman

Battery

Whether the Gentleman committed a battery against Tom when he struck and broke his arm with his cane.

Battery Supra

By striking another with a cane, it is reasonable to assume it will be both harmful and offensive. The facts state that the touching lead to a breaking of bone. This is, in any reasonable standard, a harmful touching. Was the touching the cause of the break? Here, though the gentleman is called older and needs the use of a cane, however this does not indicate that he wasn't strong enough to break a man's bone. Moreover, even if Tom was weak boned, a tortfeasor who breaks one is still liable for any damages so long as the contact would have been a battery in any other circumstance under the Egg-Shell Plaintiff concept.

(4)

Does the Gentleman have a defense?

Defense of others. Here, the gentleman may claim that he was acting in defense of the bartender, Nina whose arm was still in Tom's grasp when he intervened. As a third party witness to the battery and assault of Nina, a reasonable person may take it to believe that she was in harm or in risk of harm at his hands and would consider taking it upon themselves to help her. Does this include breaking his arm? Is this an excessive reaction to the situation? Because Nina seemed to have tried twice to reason with him and he did not relent to releasing her, the Gentleman may have felt a strike on the arm is a reasonable response to force her release. A jury may find for Tom and just as likely may find that in light of the totality of the circumstances, a strike on the arm is a reasonable defense of others.

nicey done

Best to make a "best bet" conclusion unless facts are cloudy

Tom v. Lynn

Negligence

Whether Lynn negligently struck Tom with her car when she ran into him in the street.

Negligence is the breach of a duty owed to a plaintiff which is the actual and proximate cause of damages.

Did Lynn have a duty to drive safely and not strike pedestrians?

Every driver has a duty to operate her vehicle in a safe manner so as to not unreasonably endanger others.

Did Lynn breach this duty?

Here the facts indicate that she was "impatient" and "speeding" and "rapidly changing lanes" etc. A reasonable person operating a several-thousand pound automobile should know that these actions are likely to make it more difficult to stop should something come into her path. Though she may not have foreseen a broken-armed hobbling Tom emerging from between two cars, she should have been able to predict that a person or object may at any time enter her lane. Therefore, driving in this manner was likely a breach of the duty to drive safely.

Was her driving an actual cause of the injury to Tom?

2 But for her driving hurriedly and impatiently, she may have been more attentive to the road conditions and had been able to stop "this few inches" needed to avoid striking Tom with her car.

Was it the proximal cause?

Though subsequent injuries to tom (infra) occurred after this incident with Lynn... at this point she is the most ~~reasonable~~ direct cause of his being upended as a result of her car striking him. *proximate*

She is likely going to be liable for striking him with her car.

Tom v. Norm:

Negligence

Whether Norm negligently struck Lynn's car into Tom.

Negligence is the breach of a duty owed to a plaintiff which is the actual and proximate cause of damages.

Did Norm have a duty to drive safely and not strike pedestrians?

Every driver has a duty to operate her vehicle in a safe manner so as to not unreasonably endanger others.

Did Norm breach this duty?

The facts indicate that he was speeding and had less powerful brakes than Lynn's whose brakes were not enough to stop her car before him. The facts also state he was tailgating which is an unsafe practice. By striking the car it is evident that tailgating was a breach of the duty to operate safely.

Was it an actual cause of damages to Tom?

Though Tom had already been upended, and possibly injured, by Lynn's negligence, but for Norm's tailgating and subsequent striking Lynn's car, Tom would not have been thrown over the hood and onto the windshield of Norm thereby causing serious injuries.

Was it the proximal cause of Tom's injuries?

Because nothing else intervened between the time Tom was lying on Lynn's hood and flew over it into Norm's windshield, there is no other more reasonably direct cause of this injury.

Were there damages?

yes.... He was thrown over a car and into a windshield.

A reasonable jury will find Norm jointly liable for the injuries Tom suffers along with Lynn. Because Tom would not have been in the position he was in but for Lynn sticking him first, She may be liable as well for the full extent of his subsequent injuries.

Lynn v. Norm:

Assault

Whether Lynn was assaulted when Norm drew his gun on her in her car.

Assault Supra

2 The facts state she was not afraid when she was in her car and that she laughed knowing she could not be harmed because of the bullet proof glass. However, the fact that she felt the need to jump into her car when Norm came toward her "in a rage" and screaming at her indicates she may have at that moment reasonably apprehended being harmed by him. Because he later drew a weapon, though at that point already safe from the harm, before she entered her car, she may not have been as safe.

This could potentially go either way, but once she was in her car and laughing in safety, it was not an assault.

Battery:

Whether Lynn was battered when Norm shot her vehicle in which she was sitting.

Battery Supra

41 A physical force upon the vehicle in which one sits can be a battery to one's person in some situations. Here the bullet proof glass made the bullet harmlessly fall to the ground indicating that there was not enough force to jostle the car thereby jostling Lynn inside. For this reasons it is unlikely that it is a battery.

Negligence

Whether Norm was negligent when he struck Lynn's car from behind with his.

Negligence supra.

3 As stated above, the same negligence analyzed in Tom v. Norm applies here.

Because all the facts are the same but the damages the conclusion is the same but the damages element.

The damages here are physical damage to the car as well as soft tissue damages potentially to Lynn as she was seen rubbing her neck and seeming confused.

Conversion of Chattels

Whether Norm converted Lynn's window when he shot it with a bullet causing a crater to form in it.

Conversion of chattels occurs when one has so interfered with the personal property of the rightful possessor so as to make its essential value lost to her.

Here, though bullet proof, the glass is designed to be seen through without obstruction. Though there was already damage to the car from the accident, the facts do not indicate there was anything wrong with the glass until he shot it with his bullet at which time the crater appeared therefore making the glass no longer perfectly transparent and therefore essentially lost in value.

It is likely that he will be liable for the damages to the car from the accident but further to the window from the bullet.

Tom v. Rita

Negligence

Whether Rita was negligent in her attempt to rescue Tom when she abandoned her attempt in favor of shooting Norm.

Negligence Supra

Does Rita owe a duty to continue rescuing one she begins to rescue?

Yes. Though usually no one owes a duty to rescue, beginning a rescue means one must complete it.

Does Rita breach this duty?

By abandoning the attempt to rescue does she leave him more vulnerable to harm? In this situation, she did not leave him in a WORSE situation than when she found him, however, someone else who may have attempted to rescue him may not have reasonably made an attempt seeing her doing so.

Was this cause of damage?

By abandoning her rescue it is not clear that he died as a result. he MAY have died anyway. But leaving him deprived him of the chance he had but for her failure to continue.

Defenses:

Defense of others.

Here she, as a trained peace officer, knows that shooting people is more important than saving.... strike that.... She may have reasonably believed that the risk


posed by Norm holding and firing a weapon was a greater threat to others and to herself than the risk that Tom needs help. By attending to this emergency it is likely that it is a reasonable reason to abandon her attempt to recuesitate Tom.

Paul v. Rita

Negligence

Whether Rita is liable for shooting Paul when she was shooting at Norm.

Negligence supra

 The police ~~have a duty to not shoot innocent parties~~. She breached this by shooting Paul who was not in any way involved in the altercation. This caused his death. But for her shooting he wouldn't have died and there was no other intervening or superseding cause of his death than the negligent manner of her shooting at Norm.

defe

Norm and Paul v. Gentleman

Whether
Norm and Paul v.

2)

Everyone Who Drinks the Punch v. Rick

27/38

Battery

Whether Rick committed a battery on everyone when he spiked the Punch.

Battery is the intentional harmful or offensive touching of another without privilege.

3

No one consented to drinking something other than punch. Being touched internally by medicine is outside the scope of what possible consent they may have given and the consent wasn't ever given to Rick. By causing them to drink something they didn't know about, it is reasonable to assume that one would be offended. Further it causes slurring and makes conditions unsafe. Should anyone later be harmed by driving under this influence, Rick will be liable for any subsequent harm.

to everyone?

Jack v. Rick:

Battery

Whether Rick committed a battery on Jack when he cut ^{him} his clothes with the saw blade.

Battery supra

Here, as in the case of the NASA scientist in the restaurant in Texas, Jack's person was not touched directly, but something on her person. "the slightest touching in anger" is enough to be considered harmful or offensive enough for the purposes of a battery claim. Here, the actual touching was only to his suit, but it caused him to stagger backwards falling into the pool and hitting his head.

Here it is evident that the touching was intentional as he stated he planned to kill Jack and swung at him was a saw blade which can have no other purpose.

Rick will be liable for all subsequent damages beginning with his battery unless and until some other force acts in such a way as to be a superseding cause of injuries.

facts say Jack was town
(5)
good

Rick v. Groomsman

False Imprisonment

Whether Rick was falsely imprisoned by the men when they locked him in a shed.

False imprisonment is the intentional imprisoning of another against her will within fixed bounds for any period without privilege.

The shed are fixed bounds and it is clear that this was intentional because they not only locked it, they carried him there, tied him and locked it... This evidences their specific intent that he be interred without ability to escape.

It is reasonable to believe that those falsely imprisoned will likely try and escape. Because he did try to escape and got injured doing so, they are likely liable for the extent of his injuries as he did.

Though they may claim that Rick had no right to be there, they also had no right to tie him and leave him in a shed.

Though the facts do not state if each groomsman contributed equally to this, they are all acting together for one purpose and are jointly and severally liable for all of the injuries.

(4)

Battery

Whether they committed battery against him when they did the above.

Battery supra

All of the touching included in taking him by the wrist all the way to the tying up and gagging were each batteries. Though a person may consent to all of this type of touching, here it is clear that Rick did not. There is no reason that they had privilege to do this and though we do not know which person actually put the gag in, or tied his legs, etc, that they all worked together makes them jointly liable and it is reasonable that a jury would find against all or one of them. There would be only one satisfaction, but they could sue each other and figure it out later. As for Rick, he would only need to establish that they were all there and all acting and he doesn't know which one did it.

3

Diane v. Rick

IIED

Whether Rick committed an Intentional Infliction of Emotional Distress tort against Diane.

IIED is outrageous conduct calculated to cause severe emotional distress.

Here, Rick states directly to a bride on her wedding day that he will cause her love to die. It is outrageous to kill an innocent party in retribution for some unrelated slight. Doing so at a wedding day is so outrageous as to be outside the lines of all decency. Because he stated a reason for this and an intent to do it, it is evidenced that it was calculated to cause emotional distress. Losing her husband on her wedding day will likely cause severe depression, anxiety, stress, and lasting emotional harm which will manifest physically. If this is the case, He will be liable for IIED.

42

Do not speculate
Jack v. Paramedics:

not an element Rick

Negligence

Whether they were negligent in being unable to operate their ambulance.

Though they owe a duty to be sober when on duty, and that their ambulance was present indicates they were on duty, they did not do any volitional act which would impair them. Their inebriation was not voluntary but was done by Rick's spiking, (supra) the punch. Therefore they did not do anything that would be a breach of a duty owed to anyone.

7

All Those Who Perish in the Ambulance Accident v. Less-Imapred Guests Who Drive it

Negligence per se

Whether they are liable for negligently operating an ambulance against statute causing an accident.

Negligence supra

Negligence per se is violation of a statute designed to protect the class of person harmed in the type of injury it was designed to prevent. Negligence per se will establish the duty and whether breaching it is a breach, but causation and damage will still need to be proved.

Here the statute states that operation of the ambulance must only be done by those who are trained to do so. It matters not that the average person may not know of this rule because ignorance is not excuse for failing to follow the law. The statute states that the purpose of the law is to ensure safe operation of the vehicle. Safe operation would include not crashing into medians.

Because the accident was the kind the statute was established to prevent and because other motorists and pedestrians and patients are the class of persons it was reasonably established to protect, barring some defense, it is likely that this satisfies the negligence per se portion.

Was their breach of the statute an actual cause of the accident?

Yes. But for their being ill-trained it is likely that they may not have had the accident.

Was it the proximal cause.

NO - Involuntary act

3

Here, it is unlikely that their breach of the statute and subsequent accident were the most reasonable direct cause of the accident as they were acting under the influence of mind-altering chemicals against their will--they were involuntarily intoxicated and therefore the proximate cause of the accident is more likely that intoxication or, rather more directly, the person who intoxicated them.

Though the facts indicate, however, they may have been aware that they were "less impaired" than the others meaning perhaps they knew or should have known that it was unsafe for them to drive the ambulance and that choosing to do so is a negligent act and though not negligence per se, still plausibly negligence proper.

This includes rescuers. Under the rescue doctrine, a tortfeasor who places one in risk of harm can reasonably assume that others will attempt to rescue them and that harm may befall the rescuer and therefore are liable for any harm that befalls them as well.

Here two rescuers died in the fire that was caused by their negligence. *so liable*

Need a conclusion to this diffuse analysis

Paramedics v. Less-Imapred Guests

Conversion

Whether they are liable for conversion of the ambulance.

Conversion of chattels occurs when one has so interfered with the personal property of the rightful possessor so as to make its essential value lost to her.

1

Here they intermeddle with their ambulance and by crashing it and causing it to burn entirely, they have taken the essential value of the machine, and all its accoutrements and made them lose to the medics.

Emergency doctrine
Defense of others.

Here they will likely claim that they were forced to act to save lives and that non action would have resulted in death. Though it is reasonable that trespass in this case would have been reasonably understandable, conversion is not. Though they MAY have been reasonable to take the ambulance--though why couldn't they take their own cars?

Siren, gurney, Q, it needed

--destroying it was not part of that need and by doing so they may be liable to the medics despite the impairment caused by Rick's spiking.

not incidental to Rick's act

Rick v. Everyone Who Punched and Kicked Him

Battery:

Whether they all committed battery when they pummeled Rick

Battery Supra

Here while it is reasonable to assume some force would have been reasonable to prevent injury to others to stop Rick it may have been unreasonable to continue beating and kicking him until he was no longer moving. This is both harmful and offensive and though they may have the defense of defense of others, unreasonable to the situation once Rick was no longer a threat.

④

Other Defense:

Involuntary Intoxication>

they may claim that they did not have the same level of control they might have otherwise had but for having been drugged against their will and that therefore their beating of Rick was excused on the premise that they did not have the necessary control of their decision making processes making it not an intentional volitional act, but one outside their reasonable control.

~~not~~

Jack and Diane v. Rick

Trespass to land

trespass to land is intentional entry into the land of another without defense or privilege.

①

Here, Rick was uninvited and knew he was uninvited and yet entered the are in their possessory right anyway. This is trespass.

public park

Trespass to Chattels

Everything Rick touched within the party was done so without consent and therefore a trespass to all of their personal property either rented or otherwise owned or in their possession.

Sufficient "interference" w/ possessory rights? Nope -

Conversion

Conversion supra

Anything he destroyed or otherwise ruined to the point that the essential value would be lost is conversion. As well as the cost of the band and the food as their function to entertain guests was lost to them when the purpose

or just damaged attributable to the bottle

was for a wedding party that did not happen due to his interruption. They were even planning to sing a little ditty about Jack and Diane... two American kids...

END OF EXAM

*Well reasoned &
well presented.
a lawyer-like job.*