

MODEL (86)

1)

===== Start of Answer #1 (1378 words) =====

CONRAD'S SUPPORTERS V. CONRAD

Conrad texts his supporters "there will be hell to pay"

Intentional Infliction of Emotional Distress (IIED)

- I WAS THINKING "ASSAULT" BUT THIS WAS A GOOD ALTERNATIVE OF COURSE, NEITHER TORT

IIED is the intentional infliction of outrageous or extreme behavior that would cause a reasonable person to experience extreme emotional distress.

Here, Conrad's text was intended to be a strong threat to his core supporters, who were reportedly rowdy in previous rallies. Considering the supposed past rowdiness of Conrad's supporters, this text should not be considered outrageous, although maybe mildly extreme. It would most likely not cause extreme emotional distress in a reasonable human being, especially considering how this event could be reasonably foreseen to be rowdy.

WAS VIABLE.

Conrad would also likely have the "defense of others" position, as he was attempting to keep the rally calm and diminish the likelihood of people getting hurt.

Conrad will not be held liable for IIED against his supporters.

HOLDER V. SALLY

Sally struggles over the barricades.

Trespass to land.

Trespass to land is the unlawful, intentional entering onto the real property of another.

Here, Sally intentionally went over the barricade, which was clearly set up to prevent people from entering the area. It can be inferred that Holder did not want people to be in that specific area on his property, which could be considered an unlawful or unprivileged entry.

Sally will likely be held liable for trespass to land.

SALLY v. BODYGUARD

Bodyguard grabs Sally by her bag.

Battery

Battery is the unprivileged, intentional harmful or offensive touching of another.

Here, the bodyguard grabs Sally by her bag, without her consent. The facts state that Sally was furious by this, so it can reasonably be inferred that this was an unwanted touching. Although the facts do not clearly state whether the bodyguard actually touched Sally's body, battery can happen by way of harmfully touching an extension of one's person, such as the bag that is closely held to Sally.

The bodyguard would normally be held liable for battery, *but* he has the "defense of others" defense, as his job is to protect the mayor from people attempting to approach him. He also has the defense of privilege for much of the same reason. The bodyguard will not be held liable for battery for this action.

Sally may also have a claim for trespass to chattel, as the bodyguard grabbed her by her bag.

Trespass to chattel is the intentional interference with the personal property of another,

which affects its value, quality, or condition, or interferes with the possessor's use of the chattel for a significant amount of time.

Here, there is no evidence to suggest that the strap of Sally's bag or the bag itself was harmed in terms of quality, condition, or value. Although, it may have interfered with her actual use of the bag for a short period of time. Still, the bodyguard has the same defense as the battery claim, the "defense of others". The bodyguard will likely not be held liable for trespass to chattel for grabbing Sally by the bag.

False Imprisonment (FI)

FI is the intentional restraint of a person in a barricaded area, without justification or consent, where the plaintiff is aware of their imprisonment.

Here, Sally was most definitely restrained without her consent, and did not have a reasonable means of escape from the bodyguard's clutch at the time she was held. She was aware of her "imprisonment", as she reportedly became furious by it. It could be argued that this was also a barricaded area, judging by the actual barricades surrounding the area. Although, the bodyguard did have justification in doing this, as mentioned supra in his "defense of others" defense. It was a reasonable restraint, and was justified considering his job duty. The bodyguard will likely not be held liable for false imprisonment against Sally.

Battery (supra)

The guard pushes Sally over the barricade.

After Sally slaps the guard, he pushes her over the barricade. This is an intentional, harmful touching of another. It can also be considered to be unlawful, as the force seems to be excessive and outside the scope of the bodyguard's professional obligations. This seems like it would be an overreaction, as a bodyguard typically has a

large, strong stature, while Sally would most likely not. He may have the defense of "self-defense" considering the slap, but the force seems excessive, and the bodyguard will likely be held liable for battery for this action.

BODYGUARD v. SALLY

Battery (supra)

Sally slaps the bodyguard.

This was an intentional, unlawful harmful touching of another person. Sally could maybe use the argument of self-defense, but the bodyguard was only doing his job in restraining her, without using excessive force at the time.

Sally will likely be held liable for battery.

CONRAD SUPPORTER v. BODYGUARD

Supporter's sign is ruined by bodyguard pushing Sally into sign.

Conversion

Conversion is the intentional permanent interference with the personal property of another, rendering it useless or valueless.

Here, the bodyguard pushes Sally over the barricade and into the sign, effectively destroying it. The sign can likely not be used for its purpose, and thus becomes useless and valueless. The bodyguard did not intend to destroy the sign, but by the doctrine of

transferred intent, the bodyguard did intend to commit the tort of battery against Sally, and in turn, the sign was broken because of his actions. The bodyguard will likely be held liable for the conversion of the sign.

HOLDER v. CONRAD SUPPORTERS

Supporters rush the barricades

Trespass to land (supra)

Here, the Conrad supporters intentionally surge the barricades, effectively moving past them. As discussed supra, this was most likely an area that Holder deemed the crowd unprivileged to be in upon his property. The supporters will likely be held liable for trespass to land.

Assault

Assault is the intentional placement of a person in a reasonable apprehension or fear of an imminent battery.

Here, the supporters rushed past the barricades and toward the stage where Holder was. Because of the nature of this crowd, Holder could reasonably believe that he was about to receive an imminent battery. This is evident by his bodyguard having to rush him to safety. The supporters intentionally placed Holder in apprehension of an imminent battery, and will therefore likely be held liable for assault.

Conrad's supporters yell "Death to Holder"

IIED (supra)

The Conrad supporters intentionally use the extreme and outrageous phrase alluding to the murder of Holder. This would cause a reasonable person to encounter extreme emotional distress. Holder had to be rushed to safety, which suggests that the chants had a severe emotional effect on Holder. The supporters could likely be held liable for IIED.

NON-CONRAD SUPPORTERS v. HOLDER (or city)

People injured due to lack of police force

Negligence

Negligence is the breach of a legal duty, which is the actual and legal cause of damages. An action of negligence requires that there be a legal duty, that that legal duty is breached, and that the breach is the actual and legal cause of damages.

Here, the city had a duty to ensure the safety of the public by ensuring that there was a sufficient police force to protect the public. The city/Holder breached that duty by allocating the police force's budget to the redcoration of Holder's mansion, enabling only two police officers to be present at the rally, which could have reasonably been foreseen to be rowdy. This was the actual and legal cause of the injuries to the non-Conrad supporters, because but-for the insufficient amount of police officers, the non-supporters were injured in the melee. Furthermore, the lack of funds could have also contributed to the police officers having insufficient training in crowd control. The city/Holder will likely be held liable for negligence.

actual
to
prox.
cause are
different
so analyze
both.

CONRAD SUPPORTERS v. POLICE REINFORCEMENTS

