

TORTS MIDTERM – Fall 2011  
QUESTION NO. 1 - ISSUE OUTLINE

Sam v. Joe

- 20            Negligence re car crash
  - Duty (minor engaged in adult activity)
  - Breach (unlicensed generally does not constitute breach)
  - Causation
    - Actual
    - Proximate
  - Damages
- 5            Trespass / conversion to chattels (slashed tire)
- 5            Trespass to land (Sam's driveway)
- 10           Damages
  - Compensatory
  - Punitive damages
- 5            Privileges

Joe v. Sam

- 5            Assault
- 5            Battery
- 5            Trespass to chattels (injury to Gertrude)
  - Transferred intent (Assault to Trespass to chattels)
- 5            Intentional infliction of emotional distress (“somewhat”)
- 5            False Imprisonment (locked in truck)
- 5            Damages
  - Compensatory
  - Punitive damages
- 5            Privileges

Sam v. Harriet

- 5            Liability for encouragement?

Harriet v. Sam

- 10           Loss of consortium

TORTS MIDTERM – Fall 2011  
QUESTION NO. 2 - ISSUE OUTLINE

Fred v. Kelly

Negligence

15

Duty

Status on the land

Frequent trespass

Known to Kelly?

Rowland v. Christian

5

Breach

10

Causation

Actual

Proximate

Good Luck's intervening force foreseeable

5

Damages

Compensatory

David v. Kelly

Negligence

10

Duty

Status on the land

Invitee

Rowland v. Christian

5

Breach

5

Causation

Actual

Proximate

5

Damages

Compensatory

TORTS MIDTERM – Fall 2011  
QUESTION NO. 2 - ISSUE OUTLINE (continued)

Fred v. Good Luck Hospital

Negligence

- 5 Duty
- 5 Breach (admitted)
- 10 Causation
  - Actual
  - Proximate (no intervening forces)
- Damages
  - Compensatory
- 10 ‘Collateral Source’ rule
- 5 Joint & Several liability
- 5 Contribution and Indemnity (Kelly and Good Luck Hospital)