

QUESTION 1

Ann v. Stan Assault (define) Stan shouting and shaking his fist may engender a reasonable anticipation of an imminent battery in Ann. 3 points

Stan v. Ann (and Ann v. Stan) Battery (define) Facts unclear as to whether Stan or Ann initiated the apparently mutual shoving. If Ann began it, she may claim the assault prompted her to reasonably react with a shove in self defense. Stan may then claim he had not intention of initiating a battery, but pushed back to defend himself once Ann pushed him. If Stan began the pushing match, he is likely liable for a battery. 5 points

Ann & Stan v. Judges Battery If either brought this claim, the judges appear to have been acting reasonably to separate the two when they touched them, assuming a reasonable degree of force employed. 3 points

Everyone in the Arena suffering personal injury or property damage (EASPIPD) v. lighting technician Negligence (define) If the lighting technician was informed of the possibility of a danger to persons or property associated with increasing the light level, he breached his duty to avoid subjecting others to unreasonable risk. If so, he would likely be found to be a joint tortfeasor with architect Mae and building manager Will. No civil liability for his conduct if he was unaware of the any risk. 4 points

EASPIPD v. Will Negligence Would a reasonable building manager have taken additional steps to ascertain the risk posed by the dogs exposed to the new lighting or, at a minimum, once it appeared the lower light level reduced the apparent ill effects, ensure the lights would not again be increased by posting notice on the control board or personally informing everyone with access to the controls? If so, then Will acted negligently. He may then be found to be a joint tortfeasor with Will (possible) and/or Mae (likely). 5 points

EASPIPD v. Mae Negligence As the architect, Mae would be held to the standard of care of a competent professional in the field. Expert testimony would be needed to establish whether her lack of follow-up on the lighting or lack of prior notice to management regarding possible ill effects breached the professionals' duty. Mae will likely claim that the acts of Will and possibly the tech were superceding causes. As above, she may be held to be a joint tortfeasor, and found jointly and severally liable, with Will and/or the technician. 5 points

Lynn v. Ann Battery or Negligence Lynn may invoke the doctrine of transferred intent to claim an intentional battery. If Ann claimed she acted in self defense in hurling the chair at Stan, question of fact as to whether that would be a reasonable level of force in response to the perceived threat. If it was reasonable as to Stan, Lynn may still recover for her injury under negligence cause of action. 5 points

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Torts – 2015 Mid-term
Issue Outline

Lynn v. Ann False Imprisonment (define) Unless Lynn awoke to find herself locked in the closet, no FI here because Lynn was unconscious and therefore unaware of her confinement. 4 points

EASPIPD v. Will False Imprisonment Will's intentional locking of the doors will be hard to justify. Even if he meant to keep the dangerous dogs within, he sacrificed those still inside. He will likely be liable to those who were injured AFTER he locked the doors, but not to those injured prior to that. 4 points

QUESTION 2

Damaged car owner v. Lulu Trespass to Chattel (define) The facts presented are ambiguous about Lulu's state of mind (besides the obvious intoxication) regarding her backing into the adjacent car and breaking the headlight. If she knew to a substantial certainty when backing up that she would hit the other car, then the intentional tort would apply. 3 Points

If that state of mind can't be shown, Lulu would be liable to the car's owner for negligence. (define) As there were no intervening acts sufficient to constitute a superseding cause, her driving into the car behind would be the proximate as well as the actual cause of the damage, however slight. Lulu would then likely be liable for the damage, along with joint tortfeasor Tom (see discussion re other car owners, Lulu, and Norm v. Tom, below). 4 Points

Owners of other damaged cars v. Lulu Negligence Lulu breached her duty as an automobile driver when she drove while intoxicated. Though she was unconscious when she actually crashed into the line of cars, her breach as described above was the actual and—as there were no evident intervening acts—the proximate cause of the damage to the line of cars. As stated above, Lulu would have joint and several liability with Tom, who gave the use of his car despite knowing her state of intoxication. 3 Points

Norm v. Lulu Negligence While Norm had no obligation/duty to rescue Lulu, the law deems rescue of one imperiled to be foreseeable, even when the negligent party is the one needing rescue. All of Norm's injuries, unless some of which can be shown to a reasonable degree of medical certainty to be attributable to the crash with the presumably negligent driver who struck the ambulance—including the negligent medical care he received, which is also deemed foreseeable—would be recoverable damages against Lulu (and joint tortfeasors Tom and the treating MD; see below). 4 Points

Lulu v. Tom Negligence Tom breached his duty not to increase the risk to Lulu by giving her the keys. Tom will likely offer the defense of assumption of the risk by Lulu, but her intoxication may invalidate the possibility that she could appreciate the magnitude of the risk. Lulu will certainly be found to be culpable of contributory negligence as well, which will apportion the liability for her injuries between her and Tom (and possibly the driver of the car which struck the ambulance; see below). 4 points

Owners of damaged cars and Norm v. Tom Negligence Tom's awareness of Lulu's various deficiencies as a driver made property damage/injury to someone eminently foreseeable. Norm's rescue clearly falls within the rescue doctrine which deems such action foreseeable as well. Lulu's drunken driving wasn't an intervening act but was instead a direct consequence of Tom's negligent entrustment of the car to Lulu. Tom a joint tortfeasor with Lulu as to these plaintiffs. 3 points

Jen v. Paul Trespass (define) Paul had no legitimate purpose when he entered Jen's property. His self-induced inebriation doesn't vitiate the intentionality of his act. 2 points

Jen v. Paul Battery (define) Paul's clutching of Jen's blouse constituted the offensive act, with no apparent defense. 2 points

Paul v. Jen Battery While Jen's initial reaction of kicking Paul's legs from beneath him may have been justified self-defense, her repeated striking then-helpless Paul in the head with a shovel exceeded any reasonable self-defense. 3

Norm & Lulu v. driver who struck the ambulance Negligence No intervening acts or defenses appear in the facts. Both plaintiffs suffered additional injuries, which may be identifiable and attributable specifically to this accident, but if not then driver is liable with Tom for Lulu's fatal injuries and would be a joint tortfeasor with Lulu and the treating doctor as to Norm's injuries and is jointly and severally liable with Lulu and the treating doctor (see below). 3 points

Owner of ambulance v. driver who struck ambulance Negligence Driver is liable for any property damage to the ambulance. 2 points

Norm v. treating doctor Negligence Expert testimony will establish whether the doctor breached his duty of care to Norm by using an iodine solution after being told of Norm's allergy to iodine and whether that was an actual cause of Norm's eventual death. That 3 months passed in the hospital suggests other intervening acts may have occurred, but facts silent on this. If doctor was found negligent and also liable for Norm's death, Lulu and Tom will be jointly and severally liable as well, negligent medical treatment resulting from negligently-caused injury being deemed foreseeable. 5 points