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Women In Traffic v Kate

1) Was there an assault when K yelled obscenities and honked her horn?

Assault is the intentional placing of another in reasonable apprehension of an immediate harmful or offensive touching.

K's agitation was increasing, and when the W cut in her lane she became furious, which evidences her intentional act of laying on the horn and yelling obscenities, as a reasonable person would not do so otherwise. Had the Women seen K's actions, it could reasonably put a person in apprehension of an offensive touching, as road rage can lead to such. However, the Women did not notice K's actions, and assault requires the victim to be apprehended.

K will not be liable for assault.

2) Was there a battery when K nudged the Women's car?

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

A battery does not necessarily apply to harmful touching of a person, as it can extend to the personal space of an individual. Battery also does not require apprehension.

K was beyond furious, and due to her rage, she intentionally nudged the Women's car. This was unprivileged as a reasonable person would not consent to an offensive touching as so. K's car making contact with the Women's was an extension of K's person, and the touching was harmful as it left a scuff mark on the Women's bumper

K will be liable for battery

3) Is K liable for T2C/Conversion of the black scuff on the women's car?

Trespass to Chattel is the intentional interference of the personal property of another.

Conversion is the intentional interference of the personal property of another so substantial that the possessor loses value.

K was furious, and chose to nudge the women's car, thus making her act an intentional one. K had no consent to meddle with W's car. Her leaving a black scuff interfered with the W's property as it impaired the quality.

K will be Liable for T2C

A black scuff mark is not so substantial that the W's car is now rendered valueless due to K's act.

K will not be liable for conversion.

Old man v K

1) Did K inflict IIED on the old man (om) ?

Intenentional Infliction of Emotional Distress is the intentional extreme or outrageous conduct that produces severe emotional distress in another.

The old man was terrified, and thought the situation would endanger him. K's actions produced an emotional distress in the OM. However, the conduct must be extreme and outrageous, and K's conduct was not as extreme

and outrageous as most road rage cases. Even so, K must have known with substantial certainty or knowledge of high probability that distress would be brought upon to OM by her actions. K's act was also not directed towards OM, thus it was not intentional. Even if her act was outrageous and extreme, and intentional, OM would have to show he suffered severe emotional distress as a result, which he successfully could do through therapy or counseling. Temporary distress is not sufficient for IIED.

K will not be liable for IIED.

Anton v K

1) Was K negligent when she hit A's car?

Negligence is the breach of a duty that is the actual and proximate cause of damages.

Duty is the standard of care applied to everyone at all times, the most basic duty being a reasonable standard care and not to subject others to an unreasonable risk of harm.

Breach of that duty is the failure to conform to the requirements of the standard of care.

An **actual cause** is the cause in fact and is a factual question of if D's conduct brought injuries to P. There is the "but for" test, which the incident would have occurred "but for" D's action, and the substantial factor test when there are multiple D's, where D's conduct is a substantial factor in the incident.

Proximate cause is the legal cause and sees if the D owed a duty to P, and if their conduct was the closest, most direct cause of harm to P injuries without breaking the chain of causation.

K owed a duty to A to behave as a reasonable driver would have under like circumstances to avoid subjecting others to an unreasonable risk of harm. Drivers owe those on the road a duty.

K breached this duty when she misjudged the distance, and scraped his car.

K's conduct was the actual cause of damages to A, but for K's misjudgment, A's car would not have been hit.

K's conduct was the proximate cause as it was the direct result of her misjudgment, and nothing else broke the chain of causation.

A has a damaged car, and will be able to recover

K will be liable for negligence.

2) T2C/Conversion of A's car?

T2c supra Conversion Supra

K's act was not intentional, therefore she will not be guilty of T2C or conversion.

K v A

1) Did A assault K when he yelled at her?

Assault supra.

A was angry his car just got hit, and his act of storming over and yelling was intentional evidenced by what just happened. A would know with substantial certainty that storming over and yelling at K would apprehend her. K shrank back, and blubbered, showing that she was

cause her apprehension

placed in a reasonable apprehension that an imminent harmful or offensive touching was to transpire. However, A's threat was a conditional one, which would negate his intention.

A will not be liable for assault.

Kate may argue he intended to cause her to be apprehensive based on his yelling plus storming over. In conjunction with his words, this is arguably sufficient.

K v Bea's (B)

1) Was there a battery when K was hit in the head by the ball?

Battery supra.

The ball kicked by B's son made contact with K, the contact was both harmful and offensive as K fell to the floor, and was unprivileged because no reasonable person would consent to being hit by a ball. However, B's son did not have the intention to hit K, for his ball ricocheted and happened to hit K.

What about negligence?

B's son will not be liable for battery.

B v K

1) Did K commit a T2C/Conversion when she smashed the ball?

T2C supra
Conversion Supra

K was livid from everything that has happened that day, and was even more upset that a ball just hit her. She intentionally stomped on the ball in disgust. This stomping was an interference of B's son property. K intentionally interfered with the property of another.

K will be liable for T2C

K smashed the ball, and it can reasonably inferred that the stomping rendered the ball valueless to B's son as a smashed ball is no longer in good playable condition.

K will be liable for conversion.

People on Elevator & K v Wade

1) Is W liable for False Imprisonment?

False Imprisonment is the intentional physical restraint of one person by another to a confined bounded area. Time of constraint is irrelevant, and the person must be aware of their confinement.

W intentionally stopped the elevator, which resulted in K being bound to a confined area. K was aware of her confinement as her claustrophobia began to increase. However, W may claim an Authority of Law defense, as he has lawful authority to act, and reasonably believed in good faith there was trouble on the elevator.

W will not be liable for False Imprisonment.

2) Is W liable for Negligence when he locked everyone in the elevator?

Negligence Duty Breach Actual Proximate Supra

W owed a duty to everyone on the elevator as his profession holds him out to hold a higher standard of duty of care to not subject anyone to unreasonable risks of harm
W breached that duty when he locked everyone in the elevator.
W's breach was the actual cause of damages to everyone. But for W locking everyone on the elevator, no one would have freaked out.
W conduct was the proximate cause of damages, as his conduct was direct

K v W

1) Is W liable for IIED?

IIED Supra.

K began to hyperventilate and had to breath in a bag until her heart rate returned to normal. However, W's act was not intentional, as he did not know with substantial certainty or with knowledge that a high chance of distress would arise when he stopped the elevator. His act was also not as outrageous or extreme that passes the human decency line. Even if it was, K would have to show she suffered from severe emotional distress as a result, which she could show through counseling or therapy. Temporarily freaking out is enough sufficient enough to raise IIED.

W will not be liable for IIED.

s

END OF EXAM

Excellent job!