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1)

===== Start of Answer #1 (1634 words) =====

*Good use of  
facts & law,  
well-presented.  
Good job.*

Tom (T) v. Meg (M)

**Trespass to chattel:** Intentional interference with the chattel of another without consent or privilege. Meg intentional let the air out of T's tires.

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This was a interference with T's chattel (car). M has no real defense for her act. M committed trespass to chattel on T.

M v. T

**IIED:** Conduct of outrageous and extreme nature calculated to cause and does cause sever emotional distress.

T's parking in a handicap space enraged m to the point of her letting the air out of his tires. Applying a reasonable person test T's conduct would not appear to be outrageous and extreme, it was careless but in no way extreme. M's reaction was out of anger. The facts do not say she was emotionally distressed severely. There was no IIED on the part of T.

Ira (I) v. T:

**Assault:** the intentional placement of another in reasonable fear or apprehension or a offensive and harmful touching.

For there to be assault one must now of the threat, have a reasonable apprehension, and the person making the threat must be able to presently carry it out. Here there was a threat to I by T, however it was a conditional threat. If instead of T saying if you werent old I would smash you hea said I'm going to smash you and ran toward I that would constitute a threat. I only heard the smash you part so that may be considered assault because he could have had apprehension by that phrase. However words alone

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arent sufficient enough and the fact the I was happy to be able to defend him self shows no fear or apprehension of being smashed. There is no assault.

T v. I

**Battery:** The intentional harmful and offensive touching of another w/out consent or privilege.

*Good*  
*(4)*  
I kicking T with force enough to shatter the joint was intentional and due to the injury was harmful. I will argue that he reasonably thought T was going to "smash" him and he kicked him in self defense. However that defense would work if I just kicked him once and fled but the fact that I kept kicking T even when T become unconcious and the threat was over negates his claim of self defense. No battery on the first kick because it can be reasonable self-defense but there was battery by I's continuing kicking of T after the threat was gone. I committed battery on T.

**Negligence:** The breach of a duty to keep one safe from unreasonable risk of harm causing the damages to the person.

*(3)*  
The elements of negligence are: Duty Breach causation and Damages. I's duty is to be careful enough in a grocery store as not to risk injury or damage to another shopper. This includes paying attention to where he is going when pushing a shopping cart. Here I may have breached his duty by being distracted by all the neon lights and ballons, which casued him to run into T's cart damaginf T's jar of cherries. I will argue that there was no physcial damage to T, and that the cherry jar was not T's property it was still the stores so there was no damage to T because he could have gotten another jar after this jar broke. He is not negligent in the breaking of T's cherry jar, but he will be the cause of other injuries to other partys (disscussed infra.)

Norm (N) v. Sue (S)

**battery** (supra)

S must have had an intention to hit N with the door. In this fact pattern she burst

through the doors which hit Norm. She had no intent to do this therefore there can be no intentional offensive or harmful touching. There is no battery on N

**Negligence** (defined supra).

3 As a security guard S owes the customers of the store a duty to keep them safe from unreasonable harm. One can say that the scope of her job is that since that is the reason why stores have security guards. S knowing that the doors were swinging doors decided to burst through them. It is foreseeable that bursting through swinging doors the doors will swing wide and can cause an injury to someone. In fact that is what happened, due to S bursting through the doors they swung wide and hit Norm in the nose causing the injury. S may argue that N should have been paying attention and he wouldn't have been hit. This will not stand because as a shopper N expects to be safe from conduct that would cause an injury, there is no way he would have foreseen being struck by a door when he was shopping. The facts are also silent on whether N was distracted or not. S is liable for N's injuries due to her negligence. She can also be held negligent for the aggravated injuries caused to N. even though he was hit by her gun as a result of her slipping, she had a duty to handle her gun in a safe manner as not to let it strike a bystander in the face this will be discussed infra. *but she slipped*

S & N v. I

*no defense of emergency?*

**Negligence** (defined supra)

1 S slipped on cherry juice that was on the ground as a result from I crashing into T making T drop a jar of cherries. It is foreseeable that cherry juice on the ground will cause the ground to be slippery and someone can slip and fall as S did. I's inattentive shopping is the reason he bumped into T, which caused the jar to fall and break, which is the reason why S fell. Once S fell the pistol she was grabbing out of her belt flew out of her hands and aggravated N's already injured nose. I who would be liable for S's fall may not be liable for the aggravated injuries to N. That injury can be considered and unforeseeable intervening act, which would supersede the negligence of Ira. It is not

*any damage?*

foreseeable that S would pull out a gun in a grocery store, it is also unforeseeable that her slip would cause her gun to go flying into someones nose. I will be liable for S's fall but not for the aggravating injuries to N.

T v. N

**Battery** (defined supra)

3  
N's intentional kicking of T constitutes a battery. N will argue that he in good faith thought T was the person who hit him with the door and thats why he was kicking him. that argument will not work for a number of reasons. T was obvioulsy unconscious and could not have been running across the store, N will come back and say his eyes were watery and he couldnt tell, this is still a pretty weak argument and may not stand.

Another reason is even if T was the one who hit N with the door chasing him down and kicking him does not constitute any self defense, it is just revenge and it was intending to hurt the person. N committed a battery against T.

**Conversion:** The intention taking and wrongfull dominon over anothers chattel for own use w/out consent or privilege.

2  
N took T's care keys and statred T's car. Even though T's cars tires were flat N excersised wrongfull dominon of the car when he moved the car. N is guilty of conversion.

*Did Tom's estate get it back?  
if so, just T/chattel.*

Customers (C) v. S

**False imprisonment;** The intentional physcial or psychological confinement of another in fixed boundries for any period of time w/out consent or privilege

Sue activating the lock down system confined the rest of the shoppers in the store with no reasonable exit for them to use. S's argument will be that she did this to alert the authorites that a dangerous activity was happening at the store. This may have been in the store protocal's if a situation like this happens. Here N had a gun and was kicking a

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ifeless man. S seeing the threat of an armed man activated the alarm system which not only sounded an alarm but also locked down the store. The customers may have been flasley imprisoned it use due to scope of S's job keep the assailant from leaving and alerting the proper authorities. Also there is a question if the C even realized they could not exit. The doors opened due to the pressure they caused, they may have thought the doors were stuck since they ended up opening them. No false imprisonment by S.

**Negligence** (defined supra)

2

It is foreseeable that shoppers may slightly panic when hearing an alarm. It is not reasonable or foreseeable for them to all rush the doors. This what seems to be an unreasonable reaction is what caused the injuries to some of the shoppers. S does have a duty to the shoppers, her activating the alarm system was her trying to protect them from the harm of the man with the gun (even though it was her's) She did not breach this duty as discussed supra. S was not negligent.

I v. N

**battery** (defined supra)

1

N pushed I to get T's keys. This will constitute a battery.

Mike v. N

**Negligence** (defined supra)

3

N had the opportunity to get out of the car <sup>did he discover before hitting Mike?</sup> upon the discovery of the flat tires. Instead he decided to try and drive it. As a result of this the car spun and landed on top of of Mike. N will argue that since Meg is the one that flattend the tires she is the one that should be liable to Mike's injuries under the but for test. However N's criminal conduct of stealing the car was unforeseeable to Meg which in turn cuts off her liability to Mike for his injuries. N is liable for the direct cause of Mike's injuries.

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End Answer 1.