

30/38

1)

=====**Start of Answer #1 (1274 words)**=====

Good job

Stan v. Ann

Assault. Assault is an intentional causing of a reasonable apprehension or fear of an unprivileged harmful or offensive touching. When Stan and Ann were angrily shouting and shaking fists at each other it is conceivable that Ann was causing a reasonable apprehension of a harmful touching in Stan. There was also pushing so there was an actual battery as well (infra). To constitute an assault there has to be more than mere words, and the shoving that was happening may have been enough for Stan to have a cause of action in assault against Ann. *for battery*

2

Battery. A battery is an intentional unprivileged harmful or offensive touching of another. Here the facts show that Ann was involved in the shoving match with Stan, and clearly she can be charged with a battery as can Stan (more on this below). It is unclear who started it from the facts, but if it can be shown that one of them was the instigator of the battery, the other non-instigator may have the defense of self defense. Since reasonable force is allowed when using self-defense, and it appears that one of them was not using unreasonable force, whoever didn't start it would probably not be guilty of the battery.

✓

2

Ann v. Stan

Assault. Assault is (supra). As discussed above, it is probably that Ann would have a cause of action for assault against Stan as well. The facts state that both were cursing and shoving. It is likely Ann has a cause of action in assault against Stan, but this will need to be clarified with testimony from the many witnesses.

(2)

Battery. Battery isj (supra). As discussed above, both Stan and Ann were shoving each other. One of them, if not both, will likely have a cause of action for battery depending on whether one started it or not.

✓
(2)

Assault. Assault is (supra). Later in the melee when the lights were turned up and the dogs became crazed, Stan was on top of his Great Dane trying to control it, and Ann saw him charging towards her and clearly anticipated that there was an impending battery when she in fact grabbed a chair and hurled it at Stan to protect herself. Stan will argue that it was not intentional as he had no control of his dog and was trying to control him by holding on. He will most likely use the defense of necessity or perhaps defense of others to avoid an assault claim. It is likely he will not be found culpable for an assault claim here.

(+2)

?

Crowd v. News Film Producer and his assistant

Negligence. Negligence an act or failure to act that doesn't meet the required standard of care. Negligence occurs when there is a duty to someone, that duty is breached and the breach is the actual and proximate

cause of the plaintiff's injuries. Here, the film producer had no duty towards the crowd but that of reasonable care. By getting drunk on the job with his assistant was not necessarily submitting them to an unreasonable risk of harm as the resulting events were completely unforeseeable. The actual damages are probably not present as but for the technician being drunk he wouldn't have turned the lights up all the way may or may not be true. so there is likely no casue of action in negligence against the News Film Producer. If there is any claim against the assistant, due to respondeat the producer will likely be liable.

create
(+2)

Crowd v. Will

Negligence. Negligence is supra. Here Will was on notice from Mae that the lights if they were brightened would create the kind of reaction that the dogs in fact had. The injuries and mayhem that came as a result of the lights was completely foreseeable. He did nothing to prevent this harm from coming to the crowd, and in breached his duty. The lights and resulting beasts were the actual cause of the injuries of the crowd. There were no intervening acts to break the causal chain from the breaching act to the plaintiffs injuries so it is likely that Will be found negligent for the injuries of the crowd.

no - some intervention effort.

(3)

False imprisonment. False imprisonment is (infra- sorry). When Will intentionally triggered the security system and the heavy doors shut, he imprisoned the entire crowd who were trying to escape the crazy dogs. They were confined against their will with no viable way out and were

completely aware of it. Therefore, the crowd probably will have a claim for FI against Will since his intent was to trigger the security system and by doing so he imprisoned the crowd.

no defense?

3

Dog Owners and Crowd v. Mae and Mae's Science Consultant

Negligence. Negligence is supra. Mae is an architect and has a duty to design buildings that will ^{*not pose unreasonable risks*} be safe for users and patrons. Her duty as a professional is higher than the normal standard of care. Here Mae designed a building whose lights created a very negative effect on mammals. In fact the science consultant said, "as long as they don't book any whale or chimpanzee conventions we should be fine." They both knew of the problem with the lights and knew that this was an issue with the dogs when Will called to report the owners concerns about stranger behavior. The lights were in fact the actual cause of the dogs attacking each other. The one interceding event that may break the causal chain is when the producers assistant turned the lights up to 10. It may be that Mae, the science consultant, Will and the Convention Center will be joint tortfeasors.

✓

good

4

Dog Owners v. Will

Negligence. The same argument that the crowd has against Will the dog owners will have as well and will have a cause of action against him for their injuries.

more discussion possible here. (i.e. b.c. S2M 25 "crowd v. Will.")

Trespass to chattel. Trespass to chattel in the intentional unprivileged intermeddling or interference with the personal property of another. Here when the lights went on and the dogs went beastly the owners could no longer control them and in essence their personal property was changed so much that it was a clear interference. It appears from the facts that the dog owners will have a claim for trespass to chattel.

intent?

Conversion. Conversion is when the trespass to chattel (supra) is so extreme that it has lost all value to the owner. If some of the dogs died as a result of the mayhem (unclear from the facts) they will also have a claim for conversion. It is likely Will will be found guilty of conversion if any of the dogs die.

Some intent - absence.

Lynn v. Ann

Battery. Battery is supra. When Ann threw the chair at Stan intending to hit him with it, she accidentally hit Lynn instead. Through the doctrine of transferred intent since battery is one of the five original intentional torts, the intent needed for a battery claim can be transferred and made by Lynn against Ann. Lynn was the one who experienced the harmful touching by

(4)

Ann. It is likely Ann will be guilty of battery against Lynn.

False imprisonment. False imprisonment is the intentional detention, trapping or containment of another against their will. When Ann drags Lynn into the storage and locks the door from the outside, she is containing Lynn however, there must be an awareness on the part of plaintiff and Lynn was unconscious. If she wakes up before the door is unlocked and is aware of her imprisonment, she will have a cause of action against Ann for FI. However, if she does not and is never aware of her situation, she will not be able to claim FI.

4

==== End of Answer #1 =====

28/38 Good job

Trespass to land

Trespass to land is every unauthorized, and unprivileged entry onto the land of another. Damages are inferred

41

When J stepped foot on P's land she was liable for trespass to land. Even though she didn't cause any damages

reasonable motive = a privilege

J would be nominally liable for trespass to land

Battery

Battery is the intentional, unprivileged harmful or offensive touching of another. When J kicked P it was a very harmful touching, however she was justified in doing so because she was defending her self from P's battery. But once his knee shattered here justification ended and when she hit him with a shovel she exceed her privileged

3

J would be liable for battery

Jen v. Paul's estate

Assault

71 Assault is the intentionally causing of an imminent apprehension of a harmful or offensive touching. When Paul came to the door and waved his finger in J's face he could be liable for assault. The fact he was drunk and said I do not like you could give a reasonable person apprehension he could be touched with the finger. With that being said that might be too much of a stretch. Pointing a finger at someone is usually not enough to constitute an assault

P would probably not be liable

Trespass to land

Def supra

42 When P stepped foot on J's land he became liable for Trespass to land. Even if she had called the cops it would not be enough reason to go on her property.

P is normally liable for trespass to land

Battery

def supra

12 When P grabbed and ripped Jens blouse he clearly intended to do this. Even though he might not of actually touched J's body her clothes is still enough to satisfy the touching element.

P is liable for a battery

Trespass to chattels(TOC)

TOC is the intentional intermeddling with the chattel of another which seriously interferes with their right to possess the chattel or results in damage. P intended on grabbing the blouse and the result it ripped. Ripping clothes obviously damages them.

He is liable for TOC if not conversion(discussed below)

Conversion

Conversion is the substantial intermeddling or interference with the exclusive right of possession b the plaintiff of chattel to the extent that the chattel substantially loses all value.

A very strong argument can be made that a ripped value has lost all of its value. Most people do not want clothes that are ripped.

P is probably liable for conversion

Lulu v Norm

Battery

Def supra

*harmful or offensive??
by no means.*

When Norm pulled Lulu out of the car she was unconscious. He clearly intended to touch her and she was unable to give consent, but in an emergency consent can be implied to save a persons life as in this case

Norm would not be liable for battery

Car owners v Lulu(L)

Negligence

Negligence occurs when one owes a duty of care and the breach of that duty is the actual and proximate cause of damages.

Negligence per se is when one violates a statute. the violation can be used to satisfy the duty and breach elements as long as the plaintiffs are in the class of people the statute was designed to protect, and the harm is the type of harm the statute was designed to prevent.

NA While no statute is listed it is common knowledge that there is a statute stating you can not consume alcohol and drive, nor can you drive on a suspend licenses. These statutes are designed to protect people and their property from unreasonable risk of harm from drunk drivers and drivers not allowed on the road. Clear all these peoples property fall in the class the statue was designed to protect and the damage was the type the statue was trying to stop.

This would fulfill the duty and breach elements but causation and damages still need to be proven

3 Causation must be the actual, "But for the defendant doing A, B would not have happened to the plaintiffs." And the proximate, the natural and unbroken chain of events leading to damages. There can be no superseding or intervening acts

But for L driving drunk, her car would not have been on the road and the cars would no have been hit. The damage was the direct result of L's driving and there were no superseding or intervening acts to break the chain of events.

The damages are clear. Every vehicle she hit and caused damage to she would be liable for.

Car owners v Tom

Negligence. Supra.

forget about the non-existent statutes
It is unclear if there is a statute about giving keys to a drunk and unlicensed driver, but the duty and breach elements can be satisfied with out negligence per se.

TOM had a duty of care to not subject the public to an unreasonable risk of harm, and he breached that duty when he ~~allowed L to get~~ *gave* his keys and drive his car

(2)
But for Tom giving L the keys, she would not have been on the road and therefore no cars would be damaged. Tom will argue that L was only supposed to move the car from the drive entrance no take off with it, and this act is a superseding act to relive his liability. However it is reasonable to think that giving the keys to a drunk person could lead to her taking off and causing damages. Her act probably is not enough to break the natural chain of events and he still would be liable

(41)
He would be labe for all the damage to the cars that L caused. It will most likely be ruled that the damages are indivisible and they will be held jointly and severally liable for the damage done to the cars.

Norm estate (N) v. Tom and L

Negligence supra

As it was found they both had a duty not to subject anyone to unreasonable risk of harm, and they breached that duty when L was allowed to drive drunk

But for Tom letting L drive drunk, she would not have crashed her car and N would not have rescued her, and he would not have been burned. This appears to be the proximate cause of Norm's injuries and there was no intervening acts to break the chain of causation. Tom and L will argue that N had no duty to render aid because he did not create the peril, however as soon as he began rendering aid he did have a duty to finish the job. His burns are the direct result of the drunk driving.

AD, other words

Tom and L will be liable for the injuries caused to N up to either the other accident or the hospital as discussed below.

Norm's estate and L and ambulance v Paul's guest

Negligence

def supra

The guest had a duty not to subject anyone to unreasonable risk of harm, and he breached this duty by driving drunk and too fast. ^{driver} Negligence per se can be used here but it is not need to prove these elements.

NO IT CANNOT

But for the guest driving drunk and too fast the ambulance would not have been hit. This would be a superseding and intervening act by the guest that would stop Tom's and L liability for more damages to N during this accident, but not their liability at the hospital. By him driving too fast it is the natural and unbroken chain of events leading to the new damages to L and N.

He would be liable for the new damages to L and N. The fact say that the paramedic were unharmed but their car was most likely damaged and this would be part of his liability as well.

Norm estate V hospital.

Negligence

Supra

4

The hospital had a duty not to subject Norm to even more harm than he already had experienced and they breached that duty by giving him iodine after he informed them he was allergic. The hospital has an even higher of duty and they are held to a reasonable standard of the medical industry. The hospital would argue that the burns were so bad and need the medicine but the fact he warned them, and expert witness would be needed to see if the hospital should have handled the situation differently. If the expert witness shows they did breach their duty caution and damages still need to be proven.

But for the hospital giving Norm his iodine N would not have had an allergic reaction and probably would not have died. This is a direct result of them giving him iodine.

There is no superseding or intervening acts.

11/11/15
acts
under

The hospital will be liable for N' death

This act will likely be seen as an intervening act breaking the chain of causation for Tom and L reliving them of the liability for his death.

None

J v. party guest

Trespass to land

60
for

The guest that followed Paul to J's house is nominally liable for trespass to land as well

Paul is not liable as a party host based on public policy

==== End of Answer #2 =====

END OF EXAM