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Liz v. Todd

Was Todd guilty of negligence by leaving the shovel lying in the barn aisle?

Negligence when a defendant creates an unreasonable risk of harm to a foreseeable plaintiff. The elements that need to be proved to establish negligence are duty, breach of the duty, actual cause, proximate cause, and damages.

A duty of due care is owed to a foreseeable plaintiff who is within the orbit of danger. The breach of the duty is established when it is shown that a defendant failed to act as carefully as a reasonably careful person would under the same or similar circumstances. In order to establish actual cause, one must show that but for defendant's negligence, plaintiff's injuries would not have occurred. Proximate cause is a close causal relationship between defendant's careless act and plaintiff's harm. Proximate cause can be cut off by four factors; if the defendant's act is too far removed in distance or time to plaintiff's injury; there is a superceding intervening act between defendant's act and plaintiff's injury; the harm to the plaintiff was not foreseeable (Wagon Mound Districts); or if there is a public policy that denies proximate cause; and finally, the plaintiff must have sustained harm which result in damages.

Here Todd owed a duty of due care to Liz. The barns were open to the public and Liz was there to see the horses. By leaving the shovel lying in the barn aisle, Todd failed to act as carefully as a reasonable person would under the circumstances. But for Todd's leaving the shovel in the aisle, Liz would not have fallen into the pile of straw. Proximate cause element is satisfied as there was a close causal connection between Todd's careless act and Liz's fall; and there was nothing to cut off the causal chain; However, from the facts, there is nothing to show that Liz suffered any damages.

Therefore, Todd is not liable for a claim against him for negligence.

Todd v. Betsy

Is Betsy guilty of trespass to land when she entered the room that said "private" on the doorway?

Trespass to land is the unauthorized entry onto the land of another.

Here Betsy did not have authorization to enter the room and it is clear that Todd did not consent to her entry because he had posted a sign on the doorway that said "private".

Therefore, Betsy is liable for trespass to land.

What might Betsy argue in her defense; even if unsuccessful?

Is Betsy guilty of trespass to chattel when she took the picture of the wall?

Trespass to chattel is the intentional interference of the chattel of another and can be established under three different theories: 1) Defendant impairs the condition quality or value of another persons chattel; 2) the interference results in a substantial interference with the owner's possession of the chattel; or 3) defendant causes injury to plaintiff's property, person or something that plaintiff has a legally protected interest in.

Here, Betsy takes the picture off the wall. Because Betsy has already entered the room without permission, it can be inferred that Todd did not want people in there, interfering with his property. By removing the picture from the wall, Betsy has substantially interfered with Todd's possession of the picture.

Betsy is liable for trespass to chattel.

Is Betsy liable of conversion when she drops the picture on the floor and the glass breaks?

Conversion is the very substantial and complete interference with another person's chattel.

Betsy had taken the picture off the wall without permission. Although Rex frightened her and caused her to drop the picture on the floor, Betsy should not have had the picture in her hand in the first place. The fact that the glass on the picture broke, this created a complete interference with Todd's right to possess the chattel as the picture had been totally ruined.

Betsy is liable for conversion.

she may argue lack of intent to drop the picture, no?

Betsy v. RexIs Rex liable for assault when he bellowed at Betsy get out and holding a pitchfork?

Assault is an intentional act where the defendant creates an imminent apprehension of immediate harmful or offensive touching. The defendant must have the present apparent ability to complete the battery.

Here, Betsy was startled and because of this she dropped the picture on the floor. It is likely that his belowing created an imminent apprehension of immediate harmful or offensive touching. Furthermore, Rex was big, angry and holding a pitchfork. Because Rex could potentially use the pitchfork as a weapon, it is reasonable to believe that he had the apparent ability to commit a battery on Betsy.

Therefore, Rex is liable for assault on Betsy.

Defense: Rex could claim the recovery of property, however, he did not ask Betsy for the property back. He may also try to assert the defense of justification.

briefly explain its application

Is Rex liable of false imprisonment?

False imprisonment is the intentional restraint of another person's physical liberty through force, threat or duress. The person who is imprisoned must be aware of the restraint or be harmed by it.

Here, Rex stood in the door way. Rex was big, angry, and holding a pitchfork in a threatening manner. It is likely that even if she had tried to escape past Rex, that he would have restrained her there, as he was standing in front of the doorway and yelling at her.

There is nothing in the set of facts to suggest that Betsy had another way out of the room except through the doorway. Betsy was harmed by Rex's actions because she was too afraid to speak or move.

Rex is liable for false imprisonment.

Defense: Rex may try to assert the defense of authority of law; however it is unlikely that this would hold because there is no facts to support that Rex believed that Betsy was going to steal the picture.

Is Rex guilty of IIOED on Betsy?

IIOED defined infra.

Here Rex's conduct was extreme and outrageous. By assaulting Betsy, by false imprisoning Betsy, and then by committing battery on Liz, all of these factors were either directed at Betsy or were done in her presence. For months after, Betsy remained severely shaken by her confrontation with Rex. If Liz had to seek out medical or psychological care for this anxiety, she has the requisite damages to assert a claim for IIOED.

Rex is liable for IIOED.

Liz v. Rex

Is Rex guilty of battery when he swung around and slammed Liz into the wall?

Battery is the harmful or offensive touching of another without their consent.

Here Rex intentionally slammed Liz into the wall who then slumped to the ground unconscious. Obviously, Liz did not consent to this type of harmful or offensive touching by Rex.

Therefore, Rex is liable for battery.

Defense: Rex may try to assert the defense of defense of property; however, the force he uses here is unreasonable

Is Rex guilty of intentional infliction of emotional distress on Liz?

Intentional infliction of emotional distress is an intentional or reckless extreme or outrageous conduct directed at plaintiff or in plaintiff's presence which causes severe emotional distress.

Here Rex's conduct was extreme and outrageous. By assaulting Betsy, by false imprisoning Betsy, and then by committing battery on Liz, all of these factors were either directed at Liz or were done in her presence. For months after, Liz remained severely shaken by their confrontation with Rex. If Liz had to seek out medical or psychological care for this anxiety, she has the requisite damages to assert a claim for IIOED.

Rex is guilty of IIOED.

Liz v. Todd

Is Todd guilty of negligence for hiring Rex knowing he had a temper and a criminal record?

Negligence defined supra

Here Todd had a duty to use due care to avoid harm to Liz. He was the owner of the barn and had opened it up to the public for people to walk around. Todd breached this duty because by hiring someone to interact with the public who had a criminal record and a temper he failed to act as carefully as a reasonable person would under the same or similar circumstances. Actual cause is established because but for Todd's hiring of Rex and him being present in the barn, Liz would not have suffered her injury. Proximate cause is established because there was a close causal connection between Todd's negligence and Liz's harm. Liz suffered damages because she was knocked unconscious.

Therefore it is likely that Todd is liable for negligence.

Todd v. Rex

Is Rex guilty of trespass to chattel when Betsy drops the picture on the floor and breaks the glass?

Trespass to chattel defined infra

Here the theory of transferred intent would apply. Transferred intent is when a person intends to commit a tort but during its commission, accidentally commits another tort. When

Rex commits assault on Betsy, he causes Betsy to drop the picture onto the floor and it breaks, creating a substantial interference with Todd's right to possess his chattel.

interesting -
I hadn't
thought of
that!

Rex cannot be found liable for conversion here, because transferred intent does not apply to the tort of conversion.

Rex is liable for trespass to chattel.

END OF EXAM

Terrific job. You hit the issues, analyzed them succinctly & organized your answer well. It would have been nice if you could have flushed the defenses out a bit, but I think you used good judgment under the time constraints.

In torts exams, refer to the defendant as being liable, not guilty. Sue the quilt for crimes!