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Julie v Bob

Is Bob negligent in his shooting of the gun while he was feeling dizzy?

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

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

A breach of that duty is the failure to conform to the required standard of care.

An actual cause is cause in fact and is the factual question of if defendant caused plaintiff's injury. There is a but for test where would the incident have occurred "but for" defendant's conduct, and a substantial factor test where there are multiple defendants, where defendant's conduct was a substantial factor in the incident.

The proximate cause is the legal cause and looks at if defendant owed a duty to the plaintiff, and if their conduct was the closest, most direct cause of plaintiff's injury, without anything breaking the chain of causation.

There must be damages shown by plaintiff.

Here, Bob had a duty to not subject the fellow fairgoers to an unreasonable risk of harm. He breached this duty shooting the gun while feeling dizzy, thereby subjecting others to an unreasonable risk of harm.

good, concise statements →

But for Bob shooting the gun while feeling dizzy, Julie would not have been shot in the arm. This makes Bob's conduct an actual cause of Julie's injury.

Bob's conduct of shooting the gun while feeling dizzy was the most direct cause of Julie's injury, thereby making his act the proximate cause of Julie's injury.

Julie was injured, as evidenced by the bleeding, so there were damages.

Because Bob breached his duty and was an actual and the proximate cause of damages to Julie, Bob will be liable for negligence.

DID BOB COMMIT BATTERY WHEN HE HIT JULIE WITH THE BULLET?

Battery is an intentional, harmful or offensive touching of another without privilege.

Here, Bob shooting the gun and it grazing Julie's arm would be considered harmful or offensive touching because no one willingly consents to being hit in the arm with a bullet, and the reasonable person would find this harmful touching. However, Bob did not intend to hit Julie with the bullet.

good conclusion →

Therefore, Bob will likely not be liable for battery to Julie.

JULIE V SALLY

Did Sally commit battery when she put the tourniquet on Julie?

Battery is supra.

Here, by Sally using her purse strap to make a tourniquet to stop Julie's arm from bleeding, that would likely not be considered a harmful or offensive touching. However, because it was so tight, it could be considered harmful.

Sally would argue that she had the defense of justification because she was trying to stop Julie's arm from bleeding. However, the bleeding was so slight, so a tourniquet might not have been necessary. She will also argue that she had the consent of Julie. While she did have the consent of Julie, she exceeded the scope of that consent by tying the tourniquette too tight. *good*

Sally will likely be liable for battery.

Was Sally negligent in the tying of the tourniquet on Julie's arm?

Negligence is supra.

Sally had the duty to not subject Julie to an unreasonable risk of harm. By tying the tourniquette too tight, she breached that duty. Her tying the tourniquet too tight was an actual cause in the amputation of Julie's arm, and but for her doing that, Julie would not have lost her arm. Sally tying the tourniquet too tight is also the direct, most reasonable cause of Julie having to have her arm amputated, thereby making it the proximate cause. Julie was injured because she had to have her arm amputated.

Therefore, Sally will be found liable for negligence.

Betty v Will

Is Will liable for battery against Betty when he burshed past her while running out of the tent?

Battery is supra.

Here, Will brushed past Betty as he ran for the exit. Although this might be seen as a harmful or offensive touching, this was not done intentionally. *transferred intent from T2C?*

good Therefore, Will will not be liable for battery against Betty. However, if Will was liable for battery, he would not be absolved of liability just due to the fact that he is a minor, as a 15 year old minor would still liable for their intentional torts.

Was Will negligent when he ran past Betty and knocked her down and broke her hip?

Negligence is supra.

good
Here, Will had a duty to not subject others to an unreasonable risk of harm. He breached that duty by brushing past Betty. While brushing past someone might not normally knock someone down, according to the eggshell plaintiff doctrine, you take your plaintiff's as you find them. Here, Betty was an unsteady and blind 80 year woman. It is not unreasonable that she lost her balance and fell due to being brushed into by Will. But for Will brushing into Betty, she would not have fallen on the ground. The act of Will brushing into Betty was the direct, most reasonable cause of her falling. Betty was injured when she fell and broke her hip.

Because Will breached his duty and was an actual and the proximate cause to Betty's injuries, Will will be liable for negligence.

Faire v Will

Is Will liable for trespass to chattel of the gorilla?

Trespass to chattel is the intentional interference with the personal property of another.

Here, Will intentionally took the gorilla, which was the property of the faire's. The gorilla's arm ended up being torn, resulting in damages. It is unclear if the faire gets the gorilla back.

Will has no privilege to this intentional tort.

If the Faire got the gorilla back and the injury to its arm does not make the gorilla valueless to the fair, Will will be liable for trespass to chattel of the gorilla.

Is Will liable for conversion of the gorilla?

good
Conversion is the intentional interference of the personal property of another whereby the property loses its value to plaintiff.

Here, the act of Will taking the gorilla was intentional and there was damages to the gorilla's arm. Even though this was only a tear on the arm, it could have made the gorilla valueless because the Faire cannot give a ripped gorilla away as a prize. It is unclear if Will gets to keep the gorilla.

If Will was not found liable for trespass to chattels and made the gorilla valueless to the faire, he will be liable for conversion.

Will has no privilege to this intentional tort.

Will v Security Guard (SG)

Did the Security Guard commit battery when he grabbed the gorilla?

Battery is supra.

Here, while the SG did not actually grab Will himself, he grabbed something that Will was holding onto. Battery is not limited to the harmful or offensive touching of a person, and can be an invasion of that person's space. By grabbing the gorilla that Will was

holding onto, the SG invaded Wills space by his harmful and offensive touching. The SG did this intentionally.

However, the SG will argue recovery of property, to get back the property that Will had taken from the Faire without their consent. The SG will argue that the force he used to get back the gorilla was reasonable under the circumstances. This will be a valid privilege.

Therefore, the SG will not be liable for battery.

Did the SG commit false imprisonment (FI) of Will?

FI is the intentional physical restraint of another within fixed bounds for any period of time. The restraint has to be against the plaintiff's wishes, the plaintiff has to be aware of the confinement and there must be no reasonable means of escape.

Here, the SG took Will to the guard shack where he kept him handcuffed to a chair for five hours. This was intentional and was against Wills wishes, as no one desires to be handcuffed to a chair for that long. Will was aware of the confinement and had no reasonable means of escape, as he was handcuffed to a chair.

However, the SG will argue that he has the shopkeepers privilege, which allows a person to keep someone confined that they have suspected of shoplifting, or in this case, stealing the gorilla. However, five hours will likely exceed the scope of the shopkeepers privilege, as it would not take that long to investigate the incident that led to Will taking the gorilla. Since the SG exceeded the scope of this privilege, it will not be a valid one.

The SG will be liable for FI.

Quickmart (Q) v Homer (H)

Did Homer commit trespass to land when he landed the drone on top of Quickmart?

Trespass to land is the intentional entry onto the land of another without privilege. It can be any entry onto the land, above the land or underneath the land.

Here, Homer lands the drone on the roof of the Quickmart. While this may not have been an intentional act, it could be argued that it was likely to happen since he did not know how to control it. The drone landing on the roof was without the consent of the Quickmart, and would be considered entry onto their land, even though it is on the roof.

Homer would have no privileges.

Homer will likely be found liable for trespass to land.

Was Homer negligent in his flying of the drone?

Negligence is supra.

Homer had a duty to not subject others to an unreasonable risk of harm. Although he did not know how to fly the drone, there were no damages and therefore, he cannot be found negligent in his flying of the drone.

END OF EXAM

Nice job! You covered a lot of issues & clearly have a solid command of the law.