The Index Card

• **Name** (including phonetic pronunciation, if helpful)
• Hometown
• Undergrad, other schools
• At least one interesting fact
• Favorite app, book, or sports team

Intentional Torts

1. Intent
2. Act
3. Causation
4. Technical Injury
Battery

• intentionally causing harmful or offensive contact to the person of another
• contact is the injury
  – harmful – physical impairment, pain, or illness
  – offensive – offending reasonable sense of personal dignity
• nominal damages

1. Intentional Torts
   A. Battery
   B. Assault
**Western Union v. Hill**

- Assault – intentionally causing apprehension of an imminent battery
- words alone insufficient
- apparent ability, not actual

**Intentional Torts**

A. Battery
B. Assault
C. Trespass to Land
**Dougherty v. Stepp**

- intentionally causing entry onto the real property of another
- protects one’s right to exclusive possession of land
- nominal damages

**Herrin v. Sutherland**

- possession of land includes all space upward and downward, within reasonable limits
- $1?
Consider Hypo 2-9 on p. 79. Which of the following statements are correct:

- Mike has committed TTL against Carl.
- Mike has committed TTL against Allen.
- Both of the above statements are correct.
- None of the above are correct.

Text PROFDUNCAN to 37607 once to join

Again consider Hypo 2-9. Which of the following statements are correct?

- Deby has committed TTL against Carl.
- Deby has committed TTL against Allen.
- Both of the above are correct.
- None of the above are correct.
**Bradley v. American Smelting**

- environmental trespass
- intent to enter land
- trespass to land vs. nuisance
  - TTL – exclusive possession
  - nuisance – use and enjoyment
  - may coexist

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**Trespass to Land vs. Nuisance**

**Trespass to Land**
- possession of land
- physical trespass—no actual harm req’d
  - nominal damages permitted
- “Microscopic particulate” trespass – “actual and substantial damages” req’d

**Nuisance**
- substantial and unreasonable interference with use and enjoyment of land
- actual (”significant”) damages required
Intentional Torts

1. Battery
2. Assault
3. False Imprisonment
4. Trespass to Land
5. Trespass to Chattel and Conversion

What is an Outline?

• Study Tool
• Personal Use
• Different than Notes
Why Outline?

• Organize and Manage Large Amount of Material
• Effective Way to Study

How To Outline

• What you will need
  – Your class notes (including your case briefs)
  – Your casebook and all other assigned course materials
  – The course syllabus
Putting Together Your Outline

- Begin with Syllabus and TOC
- Enter TOC into document
- Incorporate Legal Principles

What to Do With Your Outline

- Let it grow
- Update weekly
- Print it out
- Cross reference notes
- Capsule summary
Intentional Torts

1. Battery
2. Assault
3. False Imprisonment
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Glidden v. Szybiak

• trespass to chattel – intentionally interfering with the possession of another’s chattel by causing either
  – dispossession or
  – actual impairment of condition, value, or quality or
  – deprivation of use for substantial period of time
**CompuServe v. Cyber Promotions**

- trespass to chattel vs. conversion
- TTC – intentionally using or intermeddling with chattel of another resulting in diminution in chattel’s value
- conversion – intentional exercise of dominion or control over chattel of another that so seriously interferes with other’s possession that defendant may be justly forced to pay full value

**Pearson v. Dodd**

- Property protected by conversion?
  - Personal, movable property
  - Info gathered and arranged at some cost and sold as a commodity
  - Ideas formulated with labor and inventive genius, such as literary works or scientific researches
  - Instruments of fair and effective commercial competition
- Measure of damages?
Intentional Torts

1. Battery
2. Assault
3. Trespass to Land
4. Nuisance
5. Trespass to Chattel
6. Conversion
7. Intentional Infliction of Emotional Distress

Intentional Torts

1. Battery
2. Assault
3. False Imprisonment
4. Trespass to Land
5. Nuisance
6. Trespass to Chattel
7. Conversion
8. Intentional Infliction of Emotional Distress
State Rubbish Collectors v. Siliznoff

- Assault?
- IIED – intentionally causing severe emotional distress to another
- Policy Considerations?

Intentional Infliction of Emotional Distress

1. “Intent”
   - Specific Intent or
   - General Intent or
   - Recklessly
Intentional Infliction of Emotional Distress

1. "Intent"
   - Specific Intent or
   - General Intent or
   - Recklessly

2. Act
   - Extreme and Outrageous Conduct

3. Causation
Intentional Infliction of Emotional Distress

1. “Intent”
   - Specific Intent or
   - General Intent or
   - Recklessly

2. Act
   - Extreme and Outrageous Conduct

3. Causation

4. Injury
   - Severe Emotional Distress (limited to what a reasonable person would suffer absent notice to defendant)
   - nominal damages not permitted

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_Slocum v. Food Fair Stores_

- Act?
- Injury?
Wilson v. Monarch Paper Co.

- IIED in the workplace?
- “Outrageous!”
- context/setting

Taylor v. Valleslunga

- transferred intent doctrine inapplicable for IIED
### Technical Injuries

<table>
<thead>
<tr>
<th>Type</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Battery</td>
<td>• harmful or offensive bodily contact</td>
</tr>
<tr>
<td>Assault</td>
<td>• apprehension of imminent battery</td>
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<tr>
<td>Trespass to Land</td>
<td>• interference with possession of real property</td>
</tr>
<tr>
<td>Nuisance</td>
<td>• interference with possessor’s use and enjoyment of real property</td>
</tr>
<tr>
<td>Trespass to Chattel</td>
<td>• interference with possession of personal property</td>
</tr>
<tr>
<td>Conversion</td>
<td>• major interference/destruction of personal property</td>
</tr>
<tr>
<td>Intentional Infliction of Emotional Distress</td>
<td>• severe emotional distress</td>
</tr>
</tbody>
</table>

### Moving on...

**A. Intentional Torts**

1. Types of Intentional Torts
   - plaintiff’s action
   - plaintiff’s *prima facie* case

2. Defenses to Intentional Torts
   - defendant’s case
   - affirmative defenses
**Koffman v. Garnett**

- Consent
  - plaintiff in fact willing for conduct to occur *or*
  - words or conduct reasonably understood to mean that plaintiff was willing for conduct to occur
- often question of fact
- concurrence/dissent

**Mohr v. Williams**

- express consent
- implied consent to medical battery
  - plaintiff unconscious or otherwise unable to consent
  - life-preserving medical attention necessary
  - no reason to believe *this* plaintiff would not consent *

- a reasonable person would consent