Torts

1. Intentional Torts
2. Negligence Actions
3. Strict Liability
Tort Actions

Intentional  Negligence  Strict Liability
Intentional Torts

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

• Specific
  • Desiring to bring about the technical injury that the particular tort seeks to protect against

• General
  • Knowing to a substantial certainty that the technical injury the particular tort seeks to protect against will result
Culpability Continuum
(States of Mind)

Least culpable
negligence
- Should have realized the risk of technical injury resulting

recklessness
- Actually realized the risk of technical injury resulting

Most culpable
General intent
- Had knowledge to a substantial certainty that technical injury would result

Specific intent
- Desired for technical injury to result
Alteiri v. Colasso

• Transferred intent doctrine
  1. Battery
  2. Assault
  3. False imprisonment
  4. Trespass to chattel
  5. Trespass to land
Intentional Torts

1. Intent
2. Act
3. Causation
4. Technical Injury
Intentional Torts

- Battery
- Assault
- False Imprisonment
- Trespass to Land
- Nuisance
- Trespass to Chattel
- Conversion
- Intentional Infliction of Emotional Distress

*denotes availability of transferred intent doctrine*
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
Fisher v. Carrousel Motor Hotel

• so connected as to be customarily regarded as part of one’s person
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. False Imprisonment
Big Town Nursing v. Newman

- false imprisonment – intentionally confining another to a defined area with boundaries fixed by the defendant
Parvi v. City of Kingston

• false imprisonment also requires either
  • injury from confinement or
  • conscious awareness of confinement
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

A. Battery
B. Assault
C. False Imprisonment
D. 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?
Bradley v. American Smelting

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

<table>
<thead>
<tr>
<th>Trespass to Land</th>
<th>Nuisance</th>
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</thead>
<tbody>
<tr>
<td><em>possession</em> of land</td>
<td></td>
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<tr>
<td><strong>physical</strong> trespass— no actual harm req’d</td>
<td></td>
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<tr>
<td>• nominal damages permitted</td>
<td></td>
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<tr>
<td>“Microscopic particulate” trespass – “actual and substantial damages” req’d</td>
<td></td>
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<tr>
<td></td>
<td><em>substantial and unreasonable interference with</em> use and enjoyment <em>of land</em></td>
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<td></td>
<td>• actual (“significant”) damages required</td>
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</tbody>
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Intentional Torts

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

- trespass to chattel – intentionally interfering with the possession of another’s chattel by causing either
  - actual impairment of condition, value, or quality of chattel or
  - deprivation of chattel’s use for substantial period of time or
  - bodily harm to possessor or possessor’s property
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?