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
Intentional Torts

1. Battery
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State Rubbish Collectors v. Siliznoff

• Assault?
• False Imprisonment?
• 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

Wilson v. Monarch Paper Co.

- IIED in the workplace?
- “Outrageous!”
- context/setting
Taylor v. Valluelunga

• transferred intent doctrine inapplicable for IIED

Technical Injuries

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<table>
<thead>
<tr>
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<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>False Imprisonment</td>
<td>confinement to defined area</td>
</tr>
<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>
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<tr>
<td>Trespass to Chattel</td>
<td>interference with possession of personal property</td>
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<tr>
<td>Conversion</td>
<td>major interference/destruction of personal property</td>
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<tr>
<td>Intentional Infliction of Emotional Distress</td>
<td>severe emotional distress</td>
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Announcements

- Office Hours – Mondays 4:00 to 5:30 pm
- Mon 9/18 – Jurist-In-Residence Judge Jenny Rivera (NY Court of Appeals)
- Torts Midterm – Mon October 2

Moving on...

A. Intentional Torts
   1. Types of Intentional Torts
      • plaintiff’s action
   2. Defenses to Intentional Torts
      • defendant’s case
**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
- question of fact

**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 and
  - a reasonable person would consent
Defenses to Intentional Torts

1. Consent
2. Defense of Self

Poliak v. Adcock

- self-defense – one is privileged to use force to protect against imminent serious bodily injury
  - reasonable belief (objective)
  - as long as the threat of injury continues (necessary)
  - with appropriate force (proportionate)
Defenses to Intentional Torts

1. Consent
2. Self-Defense
3. Defense of Others
4. Defense of Real Property

Defense of Real Property

- **Poliak** – force to protect real property?
  a) Plaintiff trespassing
  b) Reasonable belief force necessary
  c) Request to leave (or futility of request)
Katko v. Briney

- Deadly force to protect real property?
- Policy – “considerations of humanity”