

I. Battery

To prevail in a prima facie case for the intentional tort of battery, a plaintiff must prove that the defendant committed a volitional act that is intended to cause either a harmful or offensive contact with another person or a third person or creates an imminent apprehension of such contact, and results directly or indirectly in either a harmful or offensive contact without consent or lacking a privilege. A plaintiff can prove that a defendant possessed the requisite intent through showing that the defendant either desired to cause the resulting contact (specific intent) or had knowledge with substantial certainty to a high degree of probability (general intent) that a harmful or offensive contact would result.

A. Robert v. John

John committed the intentional tort of battery. (See the rule above for battery). John caused a contact with Robert when he grabbed Robert's hand, which was offensive to Robert because he recoiled. There might be an issue of intent. Shaking hands with a person usually would not result in liability for battery since the reasonable person standard is used. However, when the plaintiff's unusual reaction is known to the defendant, courts have found the action to be offensive. Since John knew about Robert's fears and that there was a high probability of a reaction by Robert, John demonstrated general intent. Finally, Robert neither gave consent nor was John privileged to commit the tort. John is liable for battery.

B. Jim v. Robert

Robert committed the intentional tort of battery. (See the rule above for battery). Robert intentionally lashed out with his umbrella and caused a contact when he hit the unsuspecting Jim who was looking down at his shoes. Awareness, however, is not necessary to effectuate a battery. Robert's striking of Jim was not only harmful but also offensive as evidenced by Jim falling to the elevator floor. The issue is whether Robert had the requisite intent to commit a battery against Jim. Under the doctrine of transferred intent, when an individual intends to cause harm to one person resulting in harm to another instead of the intended target, the intent is transferred. Although Robert intended to hit John, the doctrine of transferred intent applies. Thus, Robert's intentional conduct will be transferred and he will be liable for causing a battery against Jim, unless Jim consented to the contact. Jim clearly did not consent. Robert may attempt to assert a privilege of self-defense, but the privilege is unavailable to him. To assert a privilege of self-defense, the defendant must use reasonable force to prevent threatened harmful or offensive bodily contact. Moreover, the defendant will lose the privilege if the defendant's conduct is in retaliation or the defendant's force is so unreasonable that the defendant's actions are deemed an escalation thus classifying the defendant as the aggressor. The privilege of self-defense is unavailable to Robert because the force that he used was unreasonable and excessive, thus making him the aggressor.

C. Robert v. Bill

Bill committed the intentional tort of battery. (See the rule above for battery). When Bill snatched the umbrella from Robert's hand, he specifically desired to cause a physical consequence. Furthermore, Robert did not give Bill consent to snatch the umbrella. The issue is whether the snatching of the umbrella constituted a harmful or offensive contact. In order for the element of an offensive contact to be satisfied, it is not necessary that a defendant touch the plaintiff. It will suffice if the defendant makes contact with something intimately associated with the plaintiff's person. Bill did not touch Robert's person, but he did touch something intimately associated with Robert, in this case his umbrella. Robert did not give consent to the battery, but Bill may assert the privilege of defense of others to escape liability.

Bill will assert the privilege of defense of others and will prevail. To assert a privilege of defense of others, the defendant, who is the intervenor, must exercise reasonable force to prevent a threatened harmful or offensive bodily contact. In the majority of jurisdictions, the intervenor "steps into the shoes" of the victim and if that person was privileged to assert self-defense then the intervenor can assert the privilege of defense of others. On the other hand, in a minority of jurisdictions, the intervenor is allowed to assert the privilege if the intervenor "reasonably believes" that the person he is aiding would have the privilege. Regardless of the jurisdiction, Bill would be able to assert the privilege because John would have been able to assert the privilege of self-defense against Robert. Thus, Bill would assert the privilege of defense of others in order to prevent Robert from now attacking Jim and would probably not be liable to Robert.

Dispositive Battery Issues

John is not liable to Jim for battery because he did not have either specific or general intent to cause a harmful or offensive contact.

Sheila is not liable to Jim for battery because she did not have either specific or general intent to cause a harmful

II. Assault

To prevail in a prima facie case for the intentional tort of assault, the plaintiff must show that the defendant acted volitionally with the intent to cause an imminent apprehension of a harmful or offensive contact in the plaintiff and did cause such imminent apprehension without consent or lacking privilege. In addition in order for a plaintiff to prevail, the plaintiff must be aware of the harmful or offensive contact that causes the imminent apprehension.

A. Robert v. John

John committed the intentional tort of assault. (See the rule for assault above). When John reached out to grab Robert's hand, he knew with substantial certainty that Robert would have a reaction. Robert had imminent apprehension of the impending contact because he "recoiled in horror." Again, there may be an issue of intent because the simple act of reaching out to shake hands with a person usually would not cause a person to be placed in imminent

apprehension. John was bored and in a playful manner and as the personnel manager was aware of Robert's peculiar sensitivities. When the plaintiff's unusual reaction is known to the defendant, courts have found the action to be offensive. Since John knew about Robert's fears and that there was a high degree of probability that Robert would have an adverse reaction, John demonstrated general intent. Furthermore, Robert neither gave consent nor was John privileged to commit the tort. John will be held liable for assault.

B. *John v. Robert*

Robert committed the intentional tort of assault. (See the rule for assault stated above). When Robert raised his umbrella, he evidenced a desire to strike John and thus demonstrated his specific intent to cause a harmful contact. John was not only aware but also placed in imminent apprehension of the impending contact because he ducked to avoid the blow. Robert had the actual and apparent ability to complete a battery and John did not give consent. Robert committed an assault. The issue, however, turns on whether Robert was privileged to commit the assault.

Robert may assert a privilege of self-defense to escape liability for committing assault; however, his defense will likely fail. To assert a privilege of self-defense, the defendant must use reasonable force to prevent threatened harmful or offensive bodily contact. Moreover, the defendant will lose the privilege if the defendant's conduct is in retaliation or the defendant's force is so unreasonable to classify the defendant as the aggressor. Robert sought to defend himself against John's non-consented and unprivileged touching. In doing so, Robert escalated the interaction by lashing out at Jim with his umbrella and will lose the privilege of self-defense. It is therefore unlikely that this defense would be available to Robert since his striking out with the umbrella was not equivalent in force and thus not reasonable. Robert is liable to John.

Dispositive Issue

Jim does not have a cause of action for assault because he was not aware of the impending contact and thus not placed in imminent apprehension.

III. False Imprisonment

Robert v. Bill

Liability for false imprisonment requires that the defendant commit an act that was intended to cause and did cause the plaintiff to be confined or restrained in a bounded area with the plaintiff being either aware of the confinement (majority jurisdictions) or harmed by the confinement (minority jurisdictions), and without consent or privilege on the part of the plaintiff. When Bill stepped in front of Robert on the elevator and "refused to let Robert get off the elevator," Bill demonstrated a desire to confine Robert in the elevator, a bounded area. Robert was aware of his confinement because he was required to proceed past the floor on which he had his office. Due to the nature of an elevator, four walls and a single door to exit the space, the lack of a reasonable means of escape, Bill falsely imprisoned Robert in the elevator. Although Robert would be able to make a prima facie case for false imprisonment while in the elevator, the intentional tort of false imprisonment would fail upon his exiting the elevator. Bill, walking in

front of Robert, escorted him to the vice-president's office. There is no indication that Bill used any force or coercion. More importantly, there was a reasonable means of escape and it appears that Robert was complying. Thus, the cause of action would not encompass the period of time following the exiting of the elevator on to the eighth floor and the subsequent time in the vice-president's office. However, Bill can assert a privilege for the false imprisonment committed on the elevator.

Bill will assert the privilege of defense of others and will prevail. To assert a privilege of defense of others, the defendant, who is the intervenor, must exercise reasonable force to prevent a threatened harmful or offensive bodily contact. In the majority of jurisdictions, the intervenor "steps into the shoes" of the victim and if that person was privileged to assert self-defense then the intervenor can assert the privilege of defense of others. On the other hand, in a minority of jurisdictions, the intervenor is allowed to assert the privilege if the intervenor "reasonably believes" that the person he is aiding would have the privilege. It is unclear whether the privilege of defense of others would suffice. Bill could however assert either justification or authority. As a security guard, Bill is charged with the safety of OB employees. Therefore, he would be obligated to detain someone who did attack one employee and might attack others.

IV. Intentional Infliction of Emotional Distress

Robert v. John

To prevail in a cause of action for the intentional infliction of emotional distress, a plaintiff must prove that the defendant committed an extreme and outrageous act which was intended to cause and did cause severe emotional distress, without consent and lacking privilege. While John did not have the desire to cause severe emotional distress, knowing of Robert's sensitivity, John at least behaved recklessly thus satisfying the "intentional" element of IIED. With the resulting migraine headaches that he suffered necessitating a two-day absence from work, Robert has satisfied the severe emotional distress element. However, were he in a minority jurisdiction, Robert would have had to demonstrate a physical manifestation of the emotional distress to prevail. Although a migraine headache affects the mind and also affected Robert's emotional state, it is unclear whether such headaches are a physical manifestation as interpreted by the courts. With that said, it is likely that Robert's reaction does constitute severe emotional distress. The issue, however, is whether John's conduct was extreme and outrageous. John would acknowledge that his behavior was certainly ill-mannered or even immature, but that shaking someone's hand hardly rises to the level of extreme and outrageous conduct. Courts have held that when a party knows of another's sensitivity, conduct intended to upset is extreme and outrageous. Robert neither gave John consent nor can John assert a privilege, therefore John would be liable for intentional infliction of emotional distress.

V. Trespass to Chattels and Conversion

To prevail in a prima case for the intentional tort of trespass to chattels, the plaintiff must prove that defendant acted to interfere with the plaintiff's right of possess in the chattel; the defendant intended to perform the act that interfered with the plaintiff's right of possession; the defendant was the legal cause or set in motion that which caused the interference and that damages resulted. For trespass to chattels, a plaintiff may prevail by showing that the chattel was impaired as to its value, condition, or quality or that the defendant dispossessed the plaintiff of the chattel. If the intentional interference is of such a magnitude that the defendant acts with the intent to exercise dominion and control over the chattel which substantially interferes with the plaintiff's right of possession in the chattel, then the defendant has committed the intentional tort of conversion and will be required to pay the full market of the item at the time of the damage.

A. *Robert v. Bill*

When Bill grabbed the umbrella from Robert, Bill acted with the desire to interfere with Robert's possession of the umbrella thus satisfying the intent element of trespass to chattels. The issue is whether there was damage to the umbrella for which Robert could recover under this intentional tort. Although the umbrella was broken in the altercation on the elevator, Bill was not the cause of the damage and thus was not responsible for the impairment of the condition or the value of the umbrella. Bill did however dispossess Robert of the umbrella which is considered to be damage. Bill committed the intentional tort of trespass to chattels.

B. *Sheila v. Bill*

When Bill stepped in front of Robert to block his pathway off the elevator, Bill stepped on Sheila's glasses which she had dropped earlier. Although it is unspecified in the facts as to the nature of the damage to the glasses, the stepping on expensive glasses would no doubt result in the impairment of the condition, quality, or value of the glasses. Bill expressed neither a desire nor did he have knowledge with substantial certainty that his stepping in front of Robert would damage Sheila's property. The issue is whether Bill had the requisite intent to commit the act that interfered with Sheila's possession of the glasses. Under the doctrine of transferred intent, when an individual intends to cause harm to one person resulting in harm to another instead of the intended target, the intent is transferred. Trespass to chattels is one of the five intentional torts to which intent can be transferred. Therefore, Bill committed the intentional tort of trespass to chattels as it pertains to Sheila's glasses. Bill will assert a privilege of defense of others to negate his liability.

To assert a privilege of defense of others, the defendant, who is the intervenor, must exercise reasonable force to prevent a threatened harmful or offensive bodily contact. In the majority of jurisdictions, the intervenor "steps into the shoes" of the victim and if that person was privileged to assert self-defense then the intervenor can assert the privilege of defense of others. On the other hand, in a minority of jurisdictions, the intervenor is allowed to assert the privilege if the intervenor "reasonably believes" that the person he is aiding would have the privilege. Robert's attempted battery on John had concluded when Bill falsely imprisoned Robert, thus the defense of others would not be a viable defense. Yet, Bill may assert the

defense of justification or authority. Neither defense will absolve Bill of liability for the damage to Sheila's glasses.

Bill will not be liable for conversion of Sheila's glasses. The issue is whether Bill possessed the requisite intent to commit a conversion. Bill demonstrated neither a desire to exert dominion and control over Sheila's glasses nor did he have knowledge with substantial certainty that his actions would result in the exertion of such dominion control. In addition, unlike in the trespass to chattels, the doctrine of transferred intent is inapplicable because conversion is not one of the five traditional torts to which the doctrine can be used to transfer intent. Thus, Bill will not be liable for conversion.