

Battery

Undertook an act with intent, effecting a harmful or offensive touching

Substantial Certainty: The act was near certain to occur

Assault

Undertook an act with intent, effecting the immediate apprehension of a harmful or offensive touching

Intent: The defendant must intend to cause an assault

False Imprisonment

Intentionally confined the plaintiff; and plaintiff was aware of the confinement

Awareness exception: If the plaintiff is harmed, this requirement is waived.

Outrage (IIED)

Intentionally or Recklessly by extreme or outrageous conduct inflict severe emotional distress

Intent: Does not transfer

Abusive language: When there is a persistent stream of insults or demeaning behavior; OR patrons harass innkeepers or caretakers.

Trespass to Land

Intentionally caused by an intrusion plaintiff's real property

Intent: The defendant only need to intend to do the action that resulted on the plaintiff's land. Accidents do not count.

***Real Property:** A inverse-pyramid from the core of the Earth to the sky defined by the property line.

Defenses to Intentional Torts

Consent

Express: Directly expressed from plaintiff to defendant

Implied: Circumstances, custom, context, and culture

Self-Defense

Defense of Others

Necessity

Public: Protect the whole from some danger

Private: Protect certain persons from danger

Professor Dobbs' "Four markers of outrageousness"

Abusing one's position over or power with respect to the plaintiff. Taking advantage of a plaintiff that the defendant knew to be particularly vulnerable.

Repeating offensive conduct in a situation where the plaintiff is not, as a practical matter, free to leave. Perpetuating or threatening violence against a person or property in which the plaintiff is known to have an interest.

Cases

Battery *Leichtman v. WLW Jacor*

Fisher v. Carrousel Motor Hotel

False Imprisonment *Sousanis v. Northwest Airlines*

Outrage *Wilson v. Monarch Paper Co*

Dzamko v. Dossantos

--Supreme court cases *Hustler Magazine Inc v. Falwell & Snyder v. Phelps*

Trespass to Land *Boring v. Google*

Defenses *Koffman v. Garnett*

Katko v. Briney