

Intentional Torts

Eggshell Plaintiff -- Defendant is liable to all injuries to plaintiff, no matter how severe. The defendant "takes his plaintiff as he finds him."

1. Intent

- a. **Intent Defined** -- The defendant must intentionally commit the elements that constitute the intentional tort. Intent means that the defendant either: 1) act with the purpose of producing that consequence; or 2) the person acts knowing that the consequence is substantially certain to result.
- b. **Transferred Intent** -- If defendant has the intent necessary with respect to one person, he has the requisite intent for any other person who defendant happened to injure. Kind of like a very broad form of proximate cause.

2. Battery

- a. **Definition** -- Battery is an intentional act causing a harmful or offensive contact.
- b. **Intentional Act** -- Defendant must 1) intend to cause harmful or offensive bodily contact; or 2) intend to cause an imminent apprehension (apprehension = knowledge or awareness) of a harmful or offensive contact.
 - a. Intent -- Defendant must act with purpose, or knowledge that the result is substantially certain to occur.
- c. **Harmful or Offensive Contact** -- Intended contact must be either harmful or offensive to the victim. The contact may be direct or indirect.
 - a. Actual Contact -- Actor only need to intend to cause the other to directly or indirectly come into contact.
 - b. Offensive Contact -- A contact is offensive if it offends a reasonable sense of personal dignity.
 - i. *Majority Exception* -- If defendant is aware that plaintiff is unusually sensitive he may still be liable even though the contact would not offend a reasonable sense of personal dignity.
 - c. Plaintiff's Knowledge -- Plaintiff does not need to be aware of the contact at the time it is inflicted.
- d. **Causation** -- Conduct must cause actual contact with the plaintiff or something closely associated with the him.

3. Assault

- a. **Definition** -- Assault is an intentional act causing an imminent apprehension (knowledge or awareness **NOT** fear!) of harmful or offensive contact.
- b. **Intentional Act**
 - a. Two Intents Possible:
 - i. *Intent to Create Imminent Apprehension* -- Defendant intends to place plaintiff in imminent apprehension of a harmful or offensive contact regardless of if defendant intends to follow through.
 - ii. *Intent to Make Contact* -- Defendant actually intends to cause a harmful or offensive contact.
- c. **Causation** -- The apprehension must have been caused by defendant's act or events that defendant set into motion.
- d. **Imminent Apprehension**
 - a. Words Alone -- Words alone are insufficient, by themselves, to give rise to assault. An overt act is required.
 - i. *Exception* -- The surrounding circumstances, or defendant's past actions, can make it reasonable for plaintiff to interpret defendant's words as creating imminent apprehension.
 - b. Plaintiff's Awareness -- Plaintiff must be placed in imminent apprehension. Thus, if plaintiff is unaware of defendant's conduct, there is no assault.
 - c. Conditional Threat -- Assault liability still exists even if the actor gives plaintiff the option to escape the contact by obedience to a command given by the actor.

4. False Imprisonment

- a. **Definition** -- False imprisonment is intentional, unlawful restraint/confinement, against P's will, with P's awareness or harm.
- b. **Intent** -- Intent is established when defendant intends to confine or knows with substantial certainty that plaintiff will be confined by defendant's actions.
- c. **Act of Restraint**
 - a. Threats -- can act as restraint if sufficient to act on the mind of the ordinary person.
 - b. Omissions -- can be an act of restraint, must have pre-existing obligation to act.
- d. **Confinement in a Bounded Area** -- Plaintiff is held within certain limits. Keeping someone out is not confinement. No confinement if reasonable means of escape exist that P can reasonably discover.

Note: Length of confinement is immaterial.
- e. **Ps Awareness of Confinement** -- Plaintiff must be aware of the confinement, or be harmed by it.