

Torts Class Notes

8/26/24

BATTERY



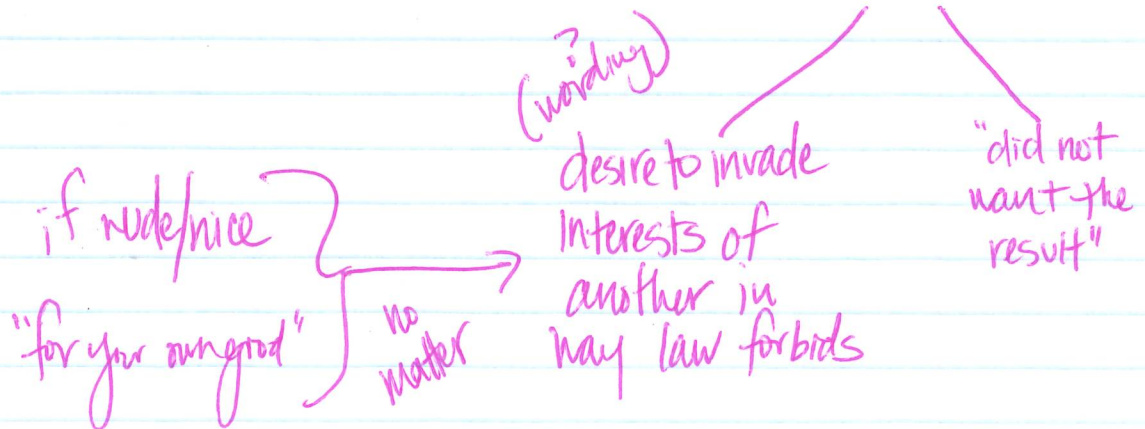
Wallace

Define Intent: kick v trip over dog

N v Intent

- Kn to Appreciate Risk → N
- Kn to Subst Cert → Intent
- Hostile & Desire Harm → enough for Intent but not necessary can be

Rules



Analysis

- Tap on shoulder = inevitable/everyday occur

- Time
- Place
- Circs
- Rship

} Matter! ★

- Here not harmful but offensive contact

b/c no
physical
injury

~~vide~~

Obj. Standard

to ord P. not
unduly sensitive
to personal dignity ★

Conclusion : Abuse Disc ~~to broad issue~~

which version of facts did CA use?

Factors

90°
fingertips
firedrill
crowded stairs

resp of school to get people out

= not off to ord P
= not unduly...
b/c factors

Restates on pg. 50

3(b) → vulnerabilities

if you know
they are vulnerable

but usually ord. P
not sensitive

will then be OFFENSIVE

Notes

④ Still liable even if injury is worse than
ord. P. wld anticipate
- push w/ finger "go home old man" = detached
retina

⑤ resetting injured arm = offensive
but protested

⑥ ^{Temp} Tattoo of rose after surgery { harmful? No 4c wash
offense? ~~yes~~
yes if Ord. P
not unduly seen...

⑦ if they say "don't"
then you do anyway
but act is not one
Ord. P ... = OFFENSIVE
?

⑧ milkman in room @ night, shakes awake, "pay bill"
- offense to ord p.

Even if offense was not the purpose, but likely
- turkey meatballs

⑨ if unaware @ time (sleeping beauty / prince)
= still offensive [rose tattoo]
- even if bene

⑩ Exposure to STD = offends
- consent not a defense to sex

Fisher

Not necessary to touch if in offensive manner
person
↓
★ CONTACT
w/ anything integrally connected to person
- clothing - directly grasped by hand
- cane

④