

**INTENTIONAL TORTS**

**BATTERY:** P must show 1) a harmful or offensive contact, 2) to P's person, 3) D's intent, and 4) causation.

**ASSAULT:** P must show 1) an act by the D which causes reasonable apprehension in P, 2) of immediate harmful or offensive contact to P's person, 3) D's intent, and 4) causation.

**FALSE IMPRISONMENT:** P must show 1) an act or omission by D that confines or restrains P, 2) to a bounded area, 3) D's intent, and 4) causation. NOTE: P must be aware or harmed by confinement.

**INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS:** P must show 1) extreme and outrageous conduct by D, 2) intent or recklessness, 3) causation, and 4) damages in the form of severe emotional distress.

**BYSTANDER BIED:** P must show 1) P present when injury occurred, 2) P is a close relative to V, and 3) D knew P was present and a close relative.

**TRESPASS TO LAND:** P must show 1) a physical invasion of P's real property, 2) intent, and 3) causation. NOTE: Negligent or reckless entries are only subject to liability if D causes harm to land.

**TRESPASS TO CHATTEL:** P must show 1) an act by D that interferes with P's right of possession in chattel, 2) intent, 3) causation, and 4) damages.

**CONVERSION:** P must show 1) an act by D that interferes with P's right of possession of chattel, 2) which is so serious that D must pay for chattel's full value, 3) intent, and 4) causation. NOTE: even a BFP of chattel may be guilty when chattel has been stolen from its true owner.

**DEFENSES TO INTENTIONAL TORTS**

**CONSENT:** Req's legal capacity. Express or implied (Apparent - common understanding, custom and usage *or* D's reasonable interpretation of P's objective conduct, Implied by law where necessary to save life).

**SELF DEFENSE AND DEFENSE OF OTHERS:** invasion is imminent or in progress, reasonable mistake does not negate, may use only proportionate force.

**FALSE ARRESTS:**

Felony Arrest w/o Warrant – Police → reasonable grounds to believe felony was committed and arrested person committed it, Private → felony was actually committed and private person had reasonable grounds to believe person committed it.

Misdemeanors Arrest w/o Warrant – Police and Private → breach of the peace and committed in presence of arrestee.

Crime Prevention w/o Warrant – Police and Private → if felony or breach of the peace is in progress, or reasonably appears to be. *Deadly force* only allowable if felony and suspect poses serious harm

**DEFENSE OF PROPERTY:** Must ask to desist, no deadly force allowed.

Re-entry on land: wrongdoer → reasonable time and manner, innocent party → reasonable time and peaceful manner with notice, on land through owner's fault → no privilege.

Re-capture of chattel: force only if in hot pursuit. May only recapture from tortfeasor or third party with knowledge of wrongful taking.

Shopkeepers privilege: shopkeeper may detain for reasonable time and manner if reasonably believes person committed theft in order to conduct an investigation.

Public necessity: protect community as a whole, absolute defense for trespass and damages.

Private Necessity: protect own interest only if emergency is not of his own making, only defense for trespass, e.g. D still liable for actual harm.

**DEFAMATION**

**DEFAMATION:** To prove a prima facie case for common law defamation, the P must show:

- 1) defamatory language,
- 2) of or concerning P,
- 3) publication by D to a third person; and
- 4) damages, possibly. If libel or slander per se, then damages are presumed. If any other slander, damages must be proven with some showing of economic harm.

In addition, if this is a matter of public concern (constitutional defamation), P must also prove 1) falsity of the statement, and 2) fault on D's part.

If the P is a **public figure**, she must prove malice (e.g. D knowing of the falsity or acting in reckless disregard), in which case damages are presumed.

If P is a **private figure**, she must only prove negligence, in which case she must prove damages, or demonstrate malice, in which case damages are presumed.

**DEFENSES TO DEFAMATION**

**CONSENT** (*supra*). **TRUTH. PRIVILEGE:** Absolute – spouses (no publication), officer of gov't in course of official duties.

Qualified privilege – public interest in promoting candor. Speaker must have a reasonable belief that info is true *and* speech confined to matter at hand.

**INVASION OF RIGHT TO PRIVACY**

**APPROPRIATION OF P'S PICTURE OR NAME:** P must establish an unauthorized use of P's picture or name for D's commercial advantage, unless news worthy publication. Remedies → injunction, damages.

**INTRUSION:** P must show that D's act of prying or intruding into a private affair, in which P has a reasonable expectation of privacy, would be objectionable to a reasonable person.

**FALSE LIGHT:** P must show that D attributed to P certain views that he does not hold or actions that he did not take which would be objectionable to a reasonable person under the circumstances. In addition, there must be publication (must be widespread).

# One Page Ca Bar Cheat Sheets Torts

**CL Gary**



## **One Page Ca Bar Cheat Sheets Torts:**

## Unveiling the Power of Verbal Beauty: An Psychological Sojourn through **One Page Ca Bar Cheat Sheets Torts**

In a global inundated with screens and the cacophony of instantaneous connection, the profound energy and mental resonance of verbal beauty frequently fade in to obscurity, eclipsed by the regular barrage of sound and distractions. Yet, set within the lyrical pages of **One Page Ca Bar Cheat Sheets Torts**, a charming perform of fictional brilliance that pulses with organic thoughts, lies an unforgettable journey waiting to be embarked upon. Penned by a virtuoso wordsmith, this exciting opus manuals visitors on a mental odyssey, softly exposing the latent possible and profound impact stuck within the delicate internet of language. Within the heart-wrenching expanse of the evocative analysis, we shall embark upon an introspective exploration of the book is central subjects, dissect their captivating publishing fashion, and immerse ourselves in the indelible impact it leaves upon the depths of readers souls.

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