

CATEGORY: TORTS – ONE HOUR

Tenant Tom and his family were moving from their apartment on Tuesday. Tom told landlord Len that he desperately needed his deposit back as soon as he moved out. Len was having a cash flow problem, however, so he planned to find faults during the final inspection so he could keep Tom's deposit money.

After the final inspection, Len said that the carpet needed replacing (due to stains that were there when Tom moved in), there was a worn tread on one of the stairs, and the refrigerator that was so ancient that it could no longer be fixed must have been broken by Tom. Sorry, Len said, he would have to keep Tom's security deposit to pay for all this damage.

Tom was so upset he accidentally dropped his orange soda, further soiling the carpet and ruining some drapes. Tom started shouting at Len, who quickly retreated. Tom, his wife Wendy, and six-year-old son Sam followed Len outside, Tom still yelling about Len being a crook. Len's other tenants gathered to watch and Len felt humiliated.

Len raced out of the parking lot just as little Sam was crossing the street. Neither Len nor Sam noticed each other. Len's car hit Sam. Tom didn't see the accident, but Wendy was at the curb and watched horrified as Sam crumpled to the ground. Len stopped his car, but neighbor Nick was so mad he threw a rock, breaking Len's windshield. Other neighbors and tenants were shouting furiously at Len. Len sped away in the face of such wrath and became afraid to return to deal with other tenant issues. He eventually hired a property manager to collect rent and deal with deposits.

Sam survived, but the doctor mistakenly thought only one leg was broken. By the time they discovered the error, the other leg had healed wrong and required several surgeries to undo the damage.

Discuss all torts except defamation torts.