

TORTS MIDTERM – Fall 2011  
QUESTION NO. 1 - ISSUE OUTLINE

Sam v. Joe

- 20 Negligence re car crash
  - Duty (minor engaged in adult activity)
  - Breach (unlicensed generally does not constitute breach)
  - Causation
    - Actual
    - Proximate
  - Damages
- 5 Trespass / conversion to chattels (slashed tire)
- 5 Trespass to land (Sam's driveway)
- 10 Damages
  - Compensatory
  - Punitive damages
- 5 Privileges

Joe v. Sam

- 5 Assault
- 5 Battery
- 5 Trespass to chattels (injury to Gertrude)
  - 5 Transferred intent (Assault to Trespass to chattels)
- 5 Intentional infliction of emotional distress ("somewhat")
- 5 False Imprisonment (locked in truck)
- 5 Damages
  - 5 Compensatory
  - 5 Punitive damages
- 5 Privileges

Sam v. Harriet

- 5 Liability for encouragement?

Harriet v. Sam

- 10 Loss of consortium

TORTS MIDTERM – Fall 2011  
QUESTION NO. 2 - ISSUE OUTLINE

Fred v. Kelly

Negligence

15

Duty

Status on the land

Frequent trespass

Known to Kelly?

Rowland v. Christian

5

Breach

10

Causation

Actual

Proximate

Good Luck's intervening force foreseeable

5

Damages

Compensatory

David v. Kelly

Negligence

10

Duty

Status on the land

Invitee

Rowland v. Christian

5

Breach

5

Causation

Actual

Proximate

5

Damages

Compensatory

TORTS MIDTERM – Fall 2011  
QUESTION NO. 2 - ISSUE OUTLINE (continued)

Fred v. Good Luck Hospital

Negligence

- 5                   Duty
- 5                   Breach (admitted)
- 10                  Causation
  - Actual
  - Proximate (no intervening forces)
- Damages
  - Compensatory
- 10                  ‘Collateral Source’ rule
- 5                   Joint & Several liability
- 5                   Contribution and Indemnity (Kelly and Good Luck Hospital)