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Torts (Law: Quick Study)

BarCharts, Inc.®

AMERICAN'S OF LEGAL REVISION GUIDE

**Quick
Study**
LAW

TORTS

INTENTIONAL TORTS

PRIMA FACIE CASE

- 1. **ACT**
 - a. Volitional
 - b. Not accidental physical muscular movement
 - c. Intention to act then is a legal duty

- 2. **INTENT**
 - a. Intent and purposeful state of mind or knowledge with substantial certainty that consequences would result from act

- 3. **KNOWLEDGE** with substantial certainty requires knowledge of more than a probability of the consequence resulting

- 4. Includes **transferred intent**
 - a. Example: Person A shoots a gun at Person B, intending to harm Person B, but the bullet hits Person C instead. Person A is liable to Person C for the intentional tort of battery

- 5. **ALTERNATIVE** With tort acts (battery, assault, false imprisonment, trespass, trespass to chattels), if Person A intends to commit tort with respect to Person B, but commits a different tort with respect to Person B, Person A is liable for the second tort even though intent was that required to commit first tort

- 6. **CALCULATED**
 - a. Distinguished from negligence in that intention need not be specifically proven

- 7. **NEGLIGENT**
 - a. Not intentional
 - b. Generally, greater liability imposed for acts intended to invade another's rights than for acts in disregard of consequences

- 8. **CAUSATION**
 - a. Distinguished from negligence in that intention need not be specifically proven

- 9. **NEGLIGENT**
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- 10. **CAUSATION**
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- 13. **NEGLIGENT**
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- 14. **CAUSATION**
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- 15. **NEGLIGENT**
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- 16. **CAUSATION**
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- 17. **NEGLIGENT**
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- 18. **CAUSATION**
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- 19. **NEGLIGENT**
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- a. Compensation for resulting losses, including physical and mental damages, special and consequential damages, and punitive damages

- b. **INTENTIONAL INFRACTION OF EMOTIONAL DISTRESS**
 - a. Act of extreme and outrageous conduct
 - b. Special duty of common carriers and innkeepers to patrons (including traveling disabled passengers)

- c. **KNOWLEDGE** with substantial certainty requires knowledge of more than a probability of the consequence resulting

- d. Includes **transferred intent**
 - a. Example: Person A shoots a gun at Person B, intending to harm Person B, but the bullet hits Person C instead. Person A is liable to Person C for the intentional tort of battery

- e. **ALTERNATIVE** With tort acts (battery, assault, false imprisonment, trespass, trespass to chattels), if Person A intends to commit tort with respect to Person B, but commits a different tort with respect to Person B, Person A is liable for the second tort even though intent was that required to commit first tort

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- h. **CAUSATION**
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- p. **CAUSATION**
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Synopsis

Torts, as every Law student knows, are wrongs. But this chart is so right it's scary. We have always felt a strict liability to maintain the best, most concise, most accurate study guides available. This chart is no exception. It covers just about everything you've ever been tort, er, taught. --This text refers to an out of print or unavailable edition of this title.

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