Michael, one month after his third birthday, was riding his new tricycle down the block. He spied Mrs. Wolfe just ahead of him. Michael's brother Bill was in second grade, and Mrs. Wolfe was his teacher. Bill often complained that he did not like Mrs. Wolfe, and Michael, seeing a chance to help his beloved older brother, drove into her from behind. Her high-heeled shoe caught someway in the spokes of the front wheel, and she suffered serious injury to her Achilles tendon.

Before the surgery to repair the tendon, both Mr. and Mrs. Wolfe made it clear to the hospital that it would violate their religion for any man to see Mrs. Wolfe's naked foot—or leg or arm or anything else. The hospital told them their "wishes would be honored." The hospital did locate a female surgeon, Florence Smoak. However, Roger Nesbitt, a male nurse, was on duty for the operating room, and no one at the hospital wanted to try to get anyone to swap with him, so Roger attended the surgery. One reason was that Dr. Smoak was known for being difficult to get along with. Roger was one of the few nurses who would even agree to work with her. During the surgery on Mrs. Wolfe, Dr. Smoak thought Roger handed him a wrong instrument. She shouted something at him that cannot be repeated here, then added, "Can you see where I'm working? I need *short* instruments."

Roger and the nursing supervisor, Nigel Smythe, had had a long-running argument on all kinds of topics. When the surgeon reported her dissatisfaction with Roger's performance in the OR that day, Nigel demanded to see Roger. Knowing the day would come when their argument would get out of hand, Nigel had brought a gun with him. Sure enough, that day Nigel was so enraged with Roger that Nigel began hearing things. When Roger said, "I have more OR experience than Dr. Smoak, and I think it was better to use the knife than the saw," Nigel thought Roger had said, "You're the ugliest thing I ever saw." Nigel shot the gun, but, even though he was only ten feet from Roger, Nigel missed and hit an ambulance driver who was passing by in the hallway instead.

Luckily, the wound was not a serious one; minor surgery and several days' rest healed the driver, although he never again would go near any nursing supervisor. For the ***crime*** involved, Nigel was declared not guilty by reason of insanity and was put in a psychiatric hospital.

Meanwhile, in another part of town, 31-year-old James carried on a relationship with 17-year-old Jane, including sex, alcohol, and marijuana. Jane's father lured James to remote area where three men in ski masks appeared. They handcuffed James to a tractor and beat him. Then, using a knife to cut his hair, they began to discuss, in front of James, whether they would use the knife to kill him or just castrate him. During that time, the three men even stopped once or twice to vote on killing or castrating him. Finally, after two hours of beatings and discussions and votes, they told him to go home & pack & leave town or they would kill him the next time.

James stopped by Wal-Mart on the way home to buy a suitcase. His receipt showed he paid for it at 10:00 P.M. As he was leaving, two store employees stopped him, saying that he was not allowed in the store because of previous shoplifting and that he "must come" with them while they called the police. Thinking he DID have to go with them because they were calling the police, he followed them to the back of the store into an area marked "NO ADMITTANCE: EMPLOYEES ONLY." They left him in the room, only occasionally looking in on him. Each time they checked on him, James tried to get them to look at his ID because he had never shoplifted. The Wal-Mart employees refused.

The room were they kept James while waiting for the "police" to come only had in it a desk piled high with papers (and no chair) and a filing cabinet. James was told not to touch anything in the room. Growing tired, he first leaned against the filing cabinet and then sat on the desk.

Instead of calling the police, Wal-mart called another store who sent over the store loss prevention specialist (store security). When the store security agent arrived, he immediately

identified James as NOT the person they were looking for. James was allowed to leave immediately after. It was then 11:15 P.M.

Identify and resolve all the intentional torts. Do not discuss any criminal or contract or product liability or other issues even though you may know them from other places. In other words, limit your answer to the claims and defenses that we have studied so far, *i.e.*, chapters 2 & 3.