

### MJ Torts Mid-Term

Although the swimming pool had closed for the season, a group of teenagers decided to spend the still-hot weather at the pool. Armed with sandwiches, baseball equipment, and other picnic gear, they arrived in high spirits. Some were hungry and started with the food. Others chose to cool off with a swim first. Unfortunately, they hadn't brought as much food as a group of teenagers can consume. When the swimmers emerged to eat, they found only bread, mustard, and pickles, with all the sandwich meat and desserts gone.

Arthur was disgusted that his friends were so inconsiderate. He threw the rest of the loaf of bread over the heads of his friends, aiming for the trash can. It narrowly missed Bill, who thought it had been thrown at him. He caught it and hurled it back at Arthur, who had turned away, assuming he had successfully put the bread in the trash. The bread hit him squarely on the back of his head.

Surprised and angry, Arthur turned and demanded to know who had thrown it. Quickly the group broke into two rival groups. They began shouting rudely at each other. Carol noticed that some of the swimmers were still in their swimsuits. She feared they would go for the police, so she sneaked away with their clothes.

The groups got louder, and before long a fist fight broke out. The houses closest to the pool heard the ruckus. While Dora called the police, her husband Edward went over to break up the fight. Unfortunately, both sides turned on him and began to pummel him. A jogger, Francis, came by and thought Edward had tried to hold up the teenagers, so Francis came to help the teens subdue Edward. In the process, Francis got his ankle broken.

About that time the police arrived. One stayed to sort things out; the other took Francis to the hospital. Francis, who was 17, was planning on getting a track and field scholarship to

college. Dr. Gum told him he needed to be in a cast for six weeks. Francis refused, saying that next week was a race essential for his chances for the scholarship. He said he'd be willing to have the cast put on after that race. Gum told Francis that the delay coupled with racing would likely cause a permanent limp. Francis said not getting a scholarship would permanently damage him and continued to refuse treatment. Efforts to reach Francis's parents failed. Dr. Gum called Humphrey and Jason, two hospital security guards, who held Francis down while the doctor gave anesthesia so that Francis could not interfere as Gum set the bone and put on the cast.

When Francis came to, he was more than furious. He told Gum that, as soon as he was mobile again, he would break not only the doctor's ankles but also those of his wife and children. Dr. Gum was not accustomed to having his authority so questioned; plus, his wife and children were the lights of his life. Confused and frightened, he ordered Francis moved to the locked psychiatric ward as a dangerous person. Not knowing how long Francis would be confined, Gum decided to move his family to their vacation home in the Poconos. He didn't want to frighten them by telling them why; he just went home and, constantly checking the locks on the doors and windows, told them all to pack at once.

His strange behavior and refusal to give any explanation caused Mrs. Gum and the Gum children, aged 11, 14, and 16, to think that Dr. Gum had had a nervous breakdown. They knew he would not go willingly to a hospital, so Mrs. Gum arranged with an old family friend, Dr. Isbell, to pretend Dr. Gum was needed on an emergency call at the nursing home where Dr. Isbell worked. Once there, Dr. Gum was restrained while given a sedative "to relax him" and then left in a locked room.

While all this was going on, a group of Girl Scouts saw the mess left by the fighting picnickers. The Scouts climbed the locked fence as had the group before them. The Girl Scouts, however, cleaned up all the trash, then climbed back out and went on their way.

When the police first came, Laura had tried to sneak home. Unable to find her clothes, she went home in her swimsuit. When her parents saw on the news about the rumble at the pool, they knew Laura had been a part. They grounded her for 3 weeks with a loss of telephone and email privileges for six weeks.

Identify and resolve all the intentional tort claims with the defenses that we have studied so far.

**Remember**, no credit can be given for issues not from this course, so do not discuss any negligence or criminal law or any other issues even though you may know how from your other experiences. This exam is for this course, not a general knowledge test.

If you need more information to answer, you may write what you need to know and what difference it makes to your answer.

You may ask me about anything that is unclear. If I cannot answer, I will tell you that.