

# Defenses

# Office Hours

Tuesdays, 1:00pm to 2:00pm

Thursdays, 11:00am to 12:00pm

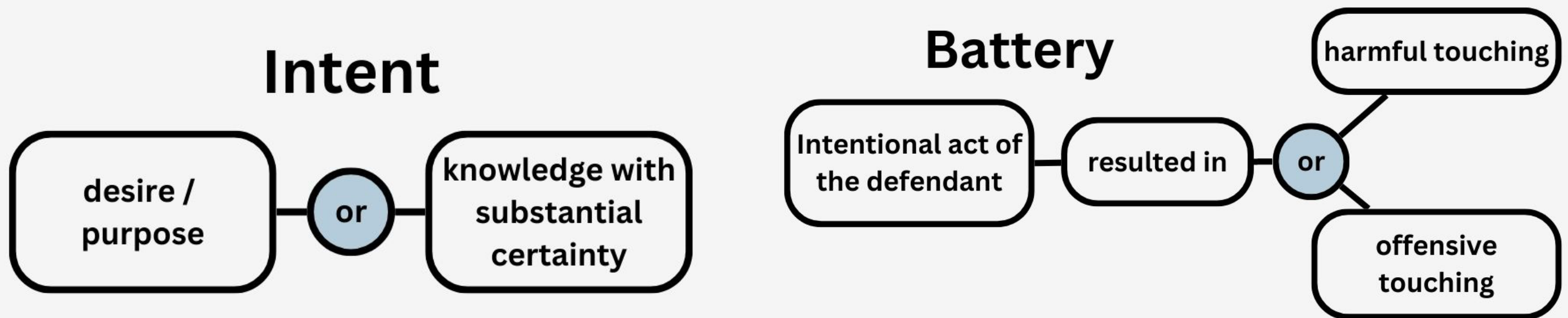
Today, 11:00am to 12:00pm, Casassa C302

# Eggshell Plaintiff

If the defendant commits a tort, the defendant takes the victim as he finds him. The defendant must pay damages for the plaintiff's actual injuries, even if those injuries were unforeseeable or uncommon.

## **WARNING:**

The plaintiff **CANNOT** use the eggshell plaintiff rule to prove that the defendant committed a tort. It is a rule about how much harm the defendant is liable for, given that the defendant has committed a tort.



**Abridged Definition from Restatement (Second) of Torts**

An actor is subject to liability to another for battery if he acts intending to cause a harmful or offensive contact with the person of the other or a third person, or an imminent apprehension of such a contact, and a harmful or offensive contact with the person of the other directly or indirectly results.

# Structure

Intentional Torts:

~~— Battery~~

~~— Assault~~

~~— False imprisonment~~

--- Intentional infliction of emotional distress

Defenses:

--- Consent

--- Self-defense

--- Defense of property

--- Necessity

# Hustler Magazine v. Falwell

# Snyder v. Phelps

# Defenses

Consent

Self Defense

Defense of Property

Necessity



# Consent

# Hart v. Geysel

# Self Help Defenses

Self Defense

Defense of Property

Necessity

# Courvoisier v. Raymond

# Katko v. Briney

# Necessity

# Proof v. Putnam

# Vincent v. Lake Erie Transport Co.