

# Defenses to Intentional Torts

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#### Defenses to Intentional Torts

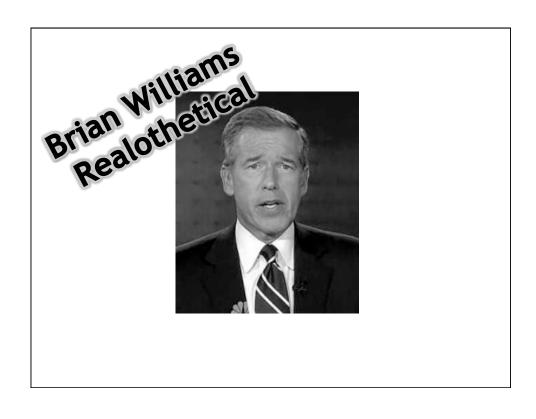
- Consent
  - Implied
  - Express
- Privilege of self-defense
  - (entitled to make a reasonable mistake)
- Privilege of defense of others
  - (not entitled to make a reasonable mistake)

## Defenses to Intentional Torts (more)

- Private necessity
  - (incomplete defense, still owe compensatory damages)
- Public necessity
  - (complete defense, don't owe compensatories)

#### Florida Publishing v. Fletcher

- Appreciate that consent can be implied.
- Consider the role of public policy in implied consent.
- Consider how consent implied by fact can arise by community norms, custom, etc.
- Consider the the news media as defendant and what's at stake in tort cases involving the media.
- Consider the stretchability of the consent defense.







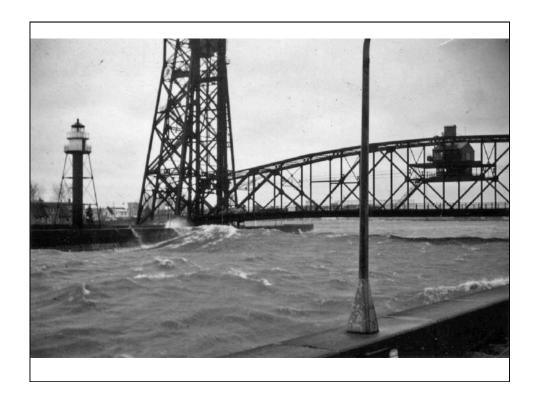


#### Food Lion v. Capital Cities / ABC

- Appreciate that consent can be implied.
- Consider the role of public policy in implied consent.
- Consider the the news media as defendant and what's at stake in tort cases involving the media.
- Consider consent obtained by fraud and the scope of consent.
- Consider the role of damages.
- Understand that consent to enter is distinct from what legally can be done with knowledge/information/photos obtained while on land.

#### Koffman v. Garnett

- Understand the importance of scope of consent.
- Consider the social context for the consent defense.
- Further consider the stretchability of the consent defense.



#### Vincent v. Lake Erie Trans. Co.

- A vivid example of private necessity.
- See the conflict between real property rights and necessity.
- Understand the role of damages with regard to private necessity, and be able to contrast with public necessity.
- Begin to think about this from an economic perspective in terms of incentives, transaction costs, and economic efficiency.

### Surocco v. Geary

