



# Torts Review Session

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**Important  
Note**

## Important Note

All the slides in this slideshow you have already seen in past slideshows, except:

- The title slide
- Slides with a big blue dot
- And slides with a “NEW” label like this: 
- And this slide, of course

# Intentional Torts

You own and drive a taxi. As you watch, a bicycle messenger smacks the hood of your taxi while you are waiting at a red light. Which of the following best describes your causes of action?

- A. Trespass to chattels
- B. Outrage
- C. Battery
- D. Assault and battery
- E. Battery and trespass to chattels
- F. Assault, battery, and trespass to chattels
- G. Assault, battery, trespass to chattels, and outrage

Review  
question

NEW

You are in a sidewalk café when your pants suddenly catch fire. You reach over to the next table and grab a man's glass of lemonade and pour it on yourself, dousing the fire. Legally, what do you owe the man?

- A. Nothing
- B. Damages equal to a glass of lemonade
- C. Glass-of-lemonade damages plus punitive damages

Review  
question

NEW

You are walking in the park with your two-year-old niece. A stranger runs up and flicks her on the head and runs off. You chase him down, tackle him, and flick him on the head. Which is correct?

- A. You are not liable.
- B. You are liable for battery.

**Review question**



**Insurance**

### Review question:

- Hexetron Mfg's sales contract with Geno's General Store obligates Hexetron to add Geno's to its products liability policy with IIG Insurance Co.
- Hexetron never follows through on this.
- Geno's incurs a huge products liability judgment. And now Hexetron is insolvent. Can Geno's recover from IIG?

### Review question:

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- Hexetron never follows through on this.
- Geno's incurs a huge products liability judgment. And now Hexetron is insolvent. Can Geno's recover from IIG?
- **NO. Geno's should have gotten the endorsement. Without it, Geno's is not insured and gets no benefit of insurance.**

# Workers Comp

## Review Problem

Elmer operates a dragline—a large machine that digs ditches—for the Great Lakes & Minniana Railway. One day a cable snaps and Elmer’s arm is badly broken. The dragline that GL&M Railway was operating was the safest dragline on the market, and they had taken pains to make sure the dragline had undergone regular maintenance. Assuming Elmer cannot show that the GL&M Railway has been negligent, can he still recover workers’ compensation benefits?

Review Problem

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**YES**—Unlike tort liability, there is no negligence requirement for workers’ comp. As long as the injury occurred in the course of, and arising out of, employment, then workers’ compensation is available.

Review Problem

Elmer later discovers that the GL&M Railway failed to replace the dragline cables as recommended by the manufacturer. Can Elmer prevail in a tort suit against the railroad?

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**NO**—Workers' compensation regimes generally preclude tort suits by employees against their employer.

# Contribution and Indemnification



**Example: The Whirler** – Suppose that General Amusement Industries wants to sell a ride called The Whirler to a small, family-owned theme park, Wonder Cove. Wonder Cove is worried that operator error could lead to injuries on The Whirler. So, to close the deal, General Amusement Industries agrees to indemnify and hold harmless Wonder Cove for any and all injuries sustained in connection with The Whirler. Plaintiff Gene Gbaj is injured on The Whirler because of operator negligence. Can Gbaj successfully sue Wonder Cove? You bet. The indemnification agreement does not affect Gbaj's rights. What Wonder Cove can do is demand General Amusement Industries reimburse Wonder Cove, and if General Amusement Industries refuses, Wonder Cove can sue them for breach of contract.

color &  
underlining added

NEW