

**Torts**  
**Prof. Eric E. Johnson**

**IN-CLASS EXAM WRITING EXERCISE**  
*Paavo v. Darielle*

**FACTS:** Darielle employed Paavo as a production assistant for her small video production company in San Frangeles. One day, Darielle was very angry at Paavo for showing up to work an hour late. To teach him a lesson, she told him he would have to stay late after work. He resisted, saying he had to drive home to his sick wife, and that if he didn't leave within 10 minutes to beat the traffic, it would take him an hour and a half to drive home instead of 45 minutes. Darielle responded by taking Paavo's car keys and locking them inside a safe in her office. "Now you can't go anywhere," Darielle snarled. Paavo cried quietly. Then, after only five minutes had passed, Darielle took the keys out of the safe and gave them to Paavo. "I'm going to let you off easy this time," Darielle said, "But don't ever be late again."

**QUESTION:** Evaluate whether Paavo has a claim for false imprisonment.

**LAW\*:** A plaintiff can establish a prima facie case of false imprisonment by showing the defendant (1) intentionally (2) confined the plaintiff, and that the plaintiff (3) was aware of the confinement.

The intent required for false imprisonment is the intent to confine.

To be confined for the purpose of false imprisonment, the plaintiff must be restricted to some closed, bounded area for some appreciable amount of time. There is no minimum amount of time for a valid confinement. Typically, courts will say that the confinement need only be for an "appreciable time."

In a false imprisonment case, the confinement can be accomplished by a number of means. The most straightforward is by physical barriers, such as with walls or fences.

The barriers, force, or threat need not be directed at persons, but can also be aimed at the plaintiff's property. A plaintiff who is "free" to walk away only by surrendering chattels is not free at all under the eyes of false-imprisonment law.

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\* This text has been copied from the casebook.

**RESPONSE: (done in class)**

Paavo has a good claim for false imprisonment against Darielle because: We know there was intent to confine since she said now you can't go anywhere. There was an actual confinement because Paavo didn't have access to his keys, and depriving a person of their property can count as a method of confinement. Paavo was aware as evidenced by his crying.

**SAME RESPONSE MARKED UP IN COLOR (red+blue=purple):**

Paavo has a good claim for false imprisonment against Darielle because: We know there was intent to confine since she said now you can't go anywhere. There was an actual confinement because Paavo didn't have access to his keys, and depriving a person of their property can count as a method of confinement. Paavo was aware as evidenced by his crying.

**SOME ADDITIONAL RESPONSES (evaluated in class):**

**Sam Pulle**

Paavo has a good claim for false imprisonment. Darielle intended to take Paavo's keys away. Paavo would have had to surrender his keys to leave, so he wasn't free to go. His crying proves he was aware of the confinement.

*Improving in class:*

Paavo has a good claim for false imprisonment. Darielle had the requisite intent, because by taking Paavo's keys away, she meant to confine him. Paavo would have had to surrender his keys to leave, so he wasn't free to go -- deprivation of chattels will count as confinement, so there's a confinement. And it was five minutes, which is an appreciable amount of time. His crying proves he was aware of the confinement.

**Vor Heckzampool**

Paavo has a strong case for false imprisonment. Darielle intentionally locked his car keys in a safe. Darielle said he couldn't leave. Paavo cried because he was not able to leave with his car. After five minutes passed, Darielle returned the keys to Paavo.

*Our critique in class:*

- *This is very problematic.*
- *There's no law. So there's no application of law to facts.*
- *There's no "because" -- that's a symptom of a lack of application.*

### Fahrin Stanz

Paavo has a solid claim for false imprisonment against Darielle. We know that Darielle had intent because she said that she was punishing him for being late. Paavo was confined in the eyes of the law because he would have had to surrender his chattels – in this case his cars keys and thereby his car – in order to be able to leave. We know that Paavo was aware of his confinement because he cried while Darielle had his keys in the safe.

*Our critique in class:*

- *This sounds pretty good.*
- *There are lots of becauses.*
- *You could add “to confine” after intent in the second sentence. Also, it’s not really the intent to punish, it’s the intent to confine we’re after, so it would have been better to mention that she said, “Now you can’t go anywhere.”*
- *It’s a little wordy -- but that’s not a problem unless the student spent so much time on this they ran out of time for other things on the exam. So there’s probably more words than necessary, but that’s okay.*

### X.M. Paul

Paavo has a claim for false imprisonment against Darielle if she intended to confine Paavo and if he was confined in all directions and was aware of that confinement. Darielle said she was holding his keys to punish Paavo, and so you could say he really wasn’t free to leave unless he left his car at work -- which he could have done if he took an Uber. He did seem very upset by what Darielle was doing to him, and this could be seen as “being messed with,” which is what the intentional torts are designed to protect people against. I think Paavo should be able to recover, but it depends on the law of the particular jurisdiction and it depends on what a jury thinks.

*Our critique in class:*

- *It uses “if” to avoid engaging with the facts and doing the legal analysis.*
- *There is unnecessary making up facts (e.g., about the Uber), and it’s not addressing the law. There is a pattern of speculating using common sense -- which is distinct from tort doctrine.*
- *The part about overall themes of intentional tort law doesn’t show knowledge of the doctrine -- it’s not applying law to facts, which is what we need.*
- *The last sentence: What the student thinks is fair is not probative of the student’s mastery of the course material, and the “depends on” phrasing is dodging the task of doing the legal analysis.*