

Torts
Prof. Eric E. Johnson
Fall 2020

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.

* This text has been copied from the casebook.

RESPONSE: (done in class)

Paavo has a prima facie case for false imprisonment because he meets all the required elements. Intent is established because Darielle took the keys so Paavo could not leave. Darielle will say that Paavo wasn't confined because he was able to leave the building. However, Paavo was confined, because having to surrender chattels to leave is not freedom to leave. Confinement is satisfied because Darielle took keys and it would've been unreasonable for him to leave without them, and it was for an appreciable amount of time because it was long enough to have an effect on Paavo. He was aware of the confinement because he cried.

[Note: The language that is blue and underlined we added in later to make the response even better.]

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

Paavo has a prima facie case for false imprisonment **because** he meets all the required elements. Intent is established **because** Darielle took the keys so Paavo could not leave. Confinement is satisfied **because** Darielle took keys and it would've been unreasonable for him to leave without them. He was aware of the confinement **because** he cried.

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 ~~because~~. The intent element is established because Darielle intended to take Paavo's keys away. Confinement is established because Paavo would have had to surrender his keys to leave, so he wasn't free to go. ~~His crying proves h~~He was aware of the confinement because he was crying.

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:

- *There is no because in here!!!*
- *VH needs to tie the fact to the elements -- it's just facts.*

- *It's just regurgitating facts.*
- *There's no mention of the elements and how they are met.*

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:

- *Looks good.*
- *A bit wordy; seems like it added extra fluff words.*
- *Could have been more straightforward with the application.*

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:

- *This is creating facts, bringing in outside facts -- and that is not helpful. (Danger of if ...)*
- *Your opinion about what ought to be the case doesn't matter -- it's the application of the law to the fact.*