



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)

Paul at the Pumpkin Patch

Defenses to intentional torts

The pumpkin patch was so crowded this year! There was a long line for everything. Paul got in one line not even knowing what it was for – but at least the line was moving. When he got up to the front, he saw that someone (whose name turned out to be Avi) was painting jack o’lanterns on people’s faces. Paul hates face paint, didn’t want one, and didn’t want Avi to touch him. So he never said anything about consenting to getting a jack o’lantern painted on his face. But when the person in front of him got a jack o’lantern on her face and moved away, that left Paul standing there. Paul didn’t move. Avi stepped forward about 10 inches to where Paul was and painted a jack o’lantern right there on Paul’s face. Paul immediately left and filed a lawsuit against Avi for battery.

Does Avi have a winning consent defense?

- A. Yes
- B. No

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Does Avi have a winning consent defense?

A. Yes ←

B. No

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Reason: There is implied consent – and what matters is what is objectively manifested.

Does Avi have a winning consent defense?

A. Yes ←

B. No

Long Line at the Pumpkin Patch

Defenses to intentional torts

Farmer Fran's Pumpkin Patch was way too popular this year. There was a huge line just to pay the admission fee to get into the pumpkin patch, and the line was stretching on to the dusty gravel of County Road 577. There's no sidewalks out there – it's a very rural area where pretty much no one walks between parcels of land. Worried about the potential for people getting hit by passing trucks, Fran directed the people in line who were standing on the road to stand off the road on an area of hard-packed dirt. Little did the people in line know, the hard-packed dirt area was on property that didn't belong to Fran. It actually belonged to Fran's neighbor Lyle. In the past, Lyle has never even talked to Fran. But the day after seeing the people in line stand on his property, he told Fran to keep her agritourism crap on her own property and to leave him and his land alone. Then he sued several of the people who stood on his property for trespass to land.

Do the line standers have a winning consent defense?

- A. Yes
- B. No

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Do the line standers have a winning consent defense?

- A. Yes
- B. No ←

Borrowed Truck at the Pumpkin Patch

Defenses to intentional torts

Tori and Trevor were two visitors to the pumpkin patch. They both saw Farmer Fran's new F-150 pickup truck and wanted to take it for a spin. They huddled and concocted a plan. Tori would fake a bee sting, and then Trevor would run up to Fran and tell her he needed to use the pickup truck to drive back to Tori's car, parked nearly a half mile down County Road 577, to get her epinephrine injector pen. Fran readily agreed they should take the truck. Tori and Trevor drove it around for a good 20 minutes before bringing it back and thanking Fran for saving Tori's life. When Trevor and Tori bragged about what they'd done, word got back to Fran, and she sued Trevor and Tori for trespass to chattels.

Does Fran have a good prima facie case?

- A. Yes
- B. No

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Does Fran have a good prima facie case?

A. Yes ←

B. No

Do Trevor and Tori have a good consent defense?

- A. Yes
- B. No

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Does Fran have a good prima facie case?

[A. Yes ←](#)

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Do Trevor and Tori have a good consent defense?

A. Yes

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Does Fran have a good prima facie case?

[A. Yes ←](#)

B. No

Do Trevor and Tori have a good consent defense?

A. Yes

[B. No ←](#)

Reason: Consent obtained by fraud, mistake induced by the defendant, or duress isn't valid.

Florida Publishing v. Fletcher





