


GEORGIA STATE UNIVERSITY LAW

## The Intentional Torts: IIED; Trespass

Torts I  
Professor Hensel  
9/8/09




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### HYPO #4

Mary has worked as a cashier at McDonald's for over five years. She has no high school education and is the sole source of support for her six-year-old son, Luke. In the middle of her shift one day, Mary's sister ran in to tell her that Luke's school had called to say that he had broken his arm and needed to go to the hospital. When asked, Mary's manager refused to let her use the company phone to call the school and threatened to fire her if she left.

Does Mary have a COA?




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### IIED: Distress to Third Parties

Taylor v. Vallelunga

- \* Statement of the Case
- \* The "Intent" Requirement
- \* Policy Rationales
- \* Restatement's View




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### Trespass: Definition

Dougherty v. Stepp

- \* Statement of the Case
- \* The Role of Damages
- \* Elements of Trespass




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### Trespass: "Physical" Invasion

Bradley v. American Smelting & Refining Co.

- \* Statement of the Case
- \* "Intangible Invasions"
- \* Trespass vs. Nuisance
- \* The Role of Damages



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### Trespass: The Limits of Control

Herrin v. Sutherland

- \* Statement of the Case
- \* Establishing Rights
- \* Control over the ground
- \* Control under the ground




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## Continuing Trespass

Rogers v. Bd. Of Road Com'rs

- \* Statement of the Case
- \* Conditional Entry
- \* Notice of conditions



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## The Intentional Torts: Trespass to Chattels; Conversion

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## Trespass to Chattels



Glidden v. Szybiak

- \* Statement of the Case
- \* Elements of Cause of Action
- \* The Requirement of Damage or Deprivation

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## Modern Manifestations


Compuserve v. Cyber Promotions, Inc.

- \* Statement of the Case
- \* "Damage" or "Deprivation" in a Modern Context



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## Conversion



Pearson v. Dodd

- \* Statement of the Case
- \* Elements of Cause of Action
- \* Trespass to Chattels vs. Conversion
- \* "Serious Interference"

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## "Serious Interference"


Restatement s. 222A

- \* Extent & duration of dominion and control;
- \* Actor's intent to assert a right inconsistent with other's control;
- \* Actor's good faith;
- \* Extent and duration of interference with control;
- \* Harm done to chattel
- \* Inconvenience and expense

**Conversion**

Pearson v. Dodd


- \* Statement of the Case
- \* Elements of Cause of Action
- \* Trespass to Chattels vs. Conversion
- \* "Serious Interference"
- \* "Property" Protected
- \* Damages Recoverable



**Role of Good Faith**

Liability of Bona Fide Purchasers

1. If title is secured by theft, good faith is no defense. There is no title to pass.
2. If title is secured by fraud, title passes to bona fide purchaser.
3. UCC Rule: If bought from someone who deals in goods of that kind, title passes to bona fide purchaser.




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**PRIVILEGES: Consent**

O'Brien v. Cunard S.S. Co.

- \* Statement of the Case
- \* Subjective vs. Objective Std.
- \* Manifestations of Consent



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**Consent may be implied by:**

1. Actions;
2. Course of Conduct;
3. Social Conventions Applicable to Setting or Custom; or
4. Relationship Between the Parties.



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**PRIVILEGES: Consent**

O'Brien v. Cunard S.S. Co.

- \* Statement of the Case
- \* Subjective vs. Objective Std.
- \* Manifestations of Consent
- \* The Role of Silence

