

Torts I
8/27 Hypothetical

Write or outline a response to the following hypothetical, using the posted guide to writing answers to legal hypotheticals:

Al, 10, brings a bologna sandwich to school from home every day. All of his friends make fun of him for it; however, Al tells them he can't stand any other kind of sandwich. As a joke one day, Sue placed a PB&J sandwich in his bag, knowing Al was unlikely to notice until he had eaten it. Sure enough, Al took a bite before realizing what he had eaten. Unbeknownst to Sue, Al is severely allergic to peanut butter. He immediately went into shock and almost died. Al spent 5 days in the hospital, and his parents want to sue Sue. Is Sue liable for battery?