

Intentional Tort Practice Hypos

In the following hypotheticals, identify and evaluate all potential causes of action:

1. John and Michelle, who have been dating for several months, are out on a date at a frat party. John, thinking that the party is lame, decides to do everyone a favor by spiking a large punch bowl with a few shots of vodka – a move he genuinely believes will be greatly appreciated. Michelle, unaware of the vodka, takes a sip of her punch and says, “Excellent! Someone’s spiked the punch!” Rico, a reformed alcoholic, takes a drink of punch and immediately spits it out, yelling, “Hey! Who spiked the punch?”
2. Student in class, after failing miserably at the Socratic method in front of his peers, gets out of his seat, moves to the podium, raises his fist, and says menacingly to the professor, “If you weren’t my professor, I’d punch your lights out.”
3. Arnold, a personal trainer, eats right and works out with heavy weights on a daily basis. Nevertheless, he is only 98 pounds. He is known for his drill sergeant motivational tactics. John, a large man, signs up to be Arnold’s client with the intent of losing weight. During the first training session, Arnold pushes John to the point of exhaustion, and he stops to take a break. Arnold walks up to John, shouting and pointing his finger in his face, “Get up right now! If I have to get you up myself, you’ll be sorry! Do you want to be fat & lazy your whole life? You should be ashamed of yourself!” Furious, John leaves the building.
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. She is barely making ends meet. 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, was extremely upset and repeatedly asking for Mary. The school had requested that she come to get him immediately to take him to the hospital. When asked, Mary’s manager refused to let her use the company phone to call school and threatened to fire her immediately if she left her shift early.