

# Fisher v. Carrousel Moter Hotel, Inc

424 S.W.2d 627 (1967)

## Course

Torts

## Keyword Subject

Battery, Race

## Facts

The plaintiff (Fisher) was a NASA mathematician attending a professional conference at defendant's (Carrousel Moter Hotel, Inc) that included a buffet luncheon.

While waiting in line with a plate to get said food, an employee of the defendant approached the plaintiff and grabbed the plate from his hand saying that a "Negro could not be served in the club."

Though the plaintiff was not actually touched, and was in not afraid for his wellbeing, he was embarrassed and hurt by the conduct.

## Procedural History

Trial Court (Jury): In favor of the plaintiff (\$400 in damages and \$500 in punitive damage)

Trial Court (Judge): Overruled in favor of the defendant

Appeal: Affirmed in favor of defendant

Supreme Court: In favor of plaintiff (Reversed; original \$900 rendered)

## Issue

Does a battery necessarily require physical contact?

## Holding: No; Reversed

## Principle

To constitute an assault and battery, it is not necessary to touch the plaintiff's body or even his clothing; knocking or snatching anything from plaintiff's hand or touching anything connected with his person, when done in an offensive manner, is sufficient

## Reasoning

"To constitute an assault and battery, it is not necessary to touch the plaintiff's body or even his clothing; knocking or snatching anything from plaintiff's hand or touching anything connected with his person, when done in an offensive manner, is sufficient."

## Separate Opinions

## Notes