

Garratt v. Dailey

46 Wash.2d 197, 279 P.2d 1091 (1955)

Keyword Subject

Battery, Minor, Intent

Facts

The defendant (a 5 year old named Brian Dailey) was visiting the plaintiff Naomi Garratt (an adult) and the plaintiff's sister (Ruth Garratt) in the back yard of the plaintiff's home.

The plaintiff contends that the defendant deliberately pulled a lawn chair out from under her when she went to sit down. However, the trial court accepted the defendant's explanation that he had pulled the chair for himself to sit in and then, once he realized that the plaintiff was about to sit where the chair used to be, tried to push the chair back under the plaintiff. Unfortunately, the chair was too unwieldy for the defendant to properly move so the plaintiff fell and broke her hip.

Procedural History

Trial Court: In favor of Plaintiff (Damages set at \$11,000)

Appeal: In favor of Defendant (Remanded for clarification)

Trial Court: In favor of Plaintiff (Damages reset at \$11,000)

Issue

Can a defendant be held liable for battery in the absence of intent if the defendant does not have the knowledge that their action could or would lead to the injury?

Holding: No; Remanded for clarification

Principle

A person cannot be held liable for a tort if they do not have the knowledge that their actions could or would lead to an injury.

Reasoning

Separate Opinions

Notes

When the Defendant moved the chair in question, he did not have any wilful or unlawful purpose in doing so and did not intend to injure the plaintiff