

Chapter VII: Torts Law

intentional torts

What is Torts Law?

Torts Law: concept & Types

- Torts law is designed to **compensate** those who have suffered a **loss** or **injury** due to another **person's wrongful act**.
- The **Purpose** of Torts Law is the **protection** of:
 1. personal physical safety,
 2. property,
 3. intangible interests (personal privacy, family relations, reputation, and dignity)
- **Types:**
 1. **Intentional torts** arise from **intentional acts**.
 2. **unintentional torts** often result from **negligence**.
 3. **Strict Liability : Liability without fault**.

Tort Law: Damages

- **Damages** Available in Tort Actions:
 1. **Compensatory** damages: (general: compensate individuals (not companies) for the **nonmonetary** aspects of the harm suffered, **such as pain and suffering** /special: for **monetary losses**, such as medical expenses..)
 2. **Punitive** damages: Gross wrongful acts or Gross negligence

intentional torts

Intentional Torts : Concept

- **Intent** means only that the actor intended the consequences of his or her act or knew with certainty the consequences
- An evil or harmful motive is **not required**.
- Intentional torts Types:
 1. Against persons
 2. Against business
 3. Against property

Case

- A is a friend of B . Kidding with B, A pushes him forcefully on the stairs of the university. A's leg is broken . A bears medical expenses of 2000\$. A was advised to sue B. **what do you think?**

Answer

- By pushing A forcefully on the stairs , B knew with certainty the consequences of his act. Kidding with his friend won't change the fact of his wrongful act causing the broke of his friend leg because the harmful motive is not required in torts action. So , A can sue B on basis of tort law and ask the court for both compensatory Damages for pain, suffering and medical expenses and punitive damages for Gross wrongful act.

Intentional Torts **Against Persons**

Intentional Torts Types: 1. Against Persons

1. **Assault** : is any offensive threat of immediate **harmful or offensive contact**, including words or acts that create in another person a reasonable apprehension of harmful contact.
2. **Battery** : a **harmful or offensive physical contact** intentionally **performed**.
3. **False Imprisonment** : intentional confinement or restraint of another person's activities **without legal justification**.
(unreasonable detention)

Intentional Torts Types: 1. Against Persons

4. Intentional Infliction of Emotional Distress:

extreme and outrageous conduct resulting in severe emotional distress to another.

- The tort of **intentional infliction of emotional distress** has three **elements**: (1) the wrongful **conduct** must be **extreme** and **outrageous**; (2) the **conduct** must be the **cause** (3) of severe **emotional distress**
- **emotional distress**:
 - a highly unpleasant **emotional** reaction (as anguish, humiliation, or fury) which results from another's conduct.

Intentional Torts Types: 1. Against Persons

5. Defamation :

- **false statement of fact** about a person's reputation, product, business, or legal ownership rights to property **communicated** to a third party.
- **Statement of Opinion:** making a **negative statement** about another person is **not defamation unless** the statement is **false and represents something as a fact.**
- Types: **1. Libel** if written / **2. slander** if oral

Intentional Torts Types: 1. Against Persons

➤ Defenses to defamation

1. Truth

2. **Privileged communications:** immunity granted to a person from lawsuit, for defamation

➤ **Absolute Privilege:** judicial proceedings, legislative debate (to speak out fully and freely and without restriction in a debate in the public interest).

➤ **Qualified Privilege:** An employer evaluations of employees if the statements are made in good faith and the publication is limited to those who have a legitimate interest in the communication.

3. **Public Figures:** defamatory statements about them that are published in the media will not constitute defamation **unless** the statements are made with **actual malice**.

• **actual malice:** statement must be made with either **knowledge of its falsity** or a **reckless disregard of the truth**.

Intentional Torts Types: 1. Against Persons

6. Invasion of Privacy a person must have a **reasonable expectation of privacy**, and the **invasion must be highly offensive** like:

1. **Appropriation of identity:** using a person's name, picture, or other likeness **for commercial purposes without permission**
2. **Intrusion into an individual's affairs** (papers , mobile...)
3. **False light** is a publicity that unreasonably places the other in a false light (highly offensive or embarrassing) to a reasonable person before the public.
4. **Public disclosure of private facts** about an individual that an ordinary person would **find embarrassing even if the information revealed is true**, because it is not of public concern.

Case

- Sarah asks Sally to make a phone call from her mobile. Sally accepts. Sarah ends the call and makes a look at Sally's private photos. Sally was very angry when she noticed her friend's attitude. **Can she sue her friend? Justify your answer**

Answer

- By looking at Sally's photos , Sarah committed a tort against persons which is the **Invasion of Privacy** by Intrusion into Sarah's affairs. So , Sally can sue her friend on basis of torts law and ask the court for both compensatory Damages for pain, suffering and punitive Damages for Gross wrongful act.

Intentional Torts Types: 1. Against Persons

7. Abusive Litigation: meritless lawsuits filed to harass the defendants

- Tort law recognizes that people have a right not to be sued without a legally just and proper reason.

Intentional Torts **Against Business**

Intentional Torts Types: 2. Against Business

1. Wrongful Interference with a Contractual Relationship should imply:

1. A valid, enforceable **contract**
2. A **third party** must **know** that this **contract** exists.
3. This **third party** must intentionally **induce a party** to the contract **to breach the contract**.

Case

- Sandy ,a fashion designer signs a contract with Nancy, a famous actress to make her a dress to attend the opening of Cairo International Film Festival. Suzy, Miss Egypt 2019 reads this news. She calls Sandy the designer requesting to made her exclusively a dress for the same event and for double price. Sandy accepts and terminates her contract with Nancy. **Nancy wants to file a case against Suzy Miss Egypt. Advise Nancy.**

Answer

- Suzy “ third party” who knows about the valid & enforceable contract between Sandy & Nancy to make a dress for Nancy to attend Cairo International Film Festival , intentionally induces Sandy a party to the contract to breach the contract by calling her asking to made her exclusively a dress for same event and for double price. So, Suzy committed a tort against business which is **Wrongful Interference with a Contractual Relationship**. Nancy had the right to sue Suzy on basis of Torts Law and ask the court for both compensatory Damages for pain, suffering and punitive Damages for Gross wrongful act.

Intentional Torts Types: 2. Against Business

2. Wrongful Interference with a Business Relationship:

➤ must prove that the defendant **used predatory**

“ hunting” methods to intentionally harm an established **business relationship or prospective economic advantage (economic harm)**.

Ex : targeting the customers of a competitor by **predatory methods**

- **Defenses:**

the **interference** was permissible in competitive behavior.

Intentional Torts *Against* Property

Intentional Torts Types: 3. Against Property

1. Trespass to Land:

- The **invasion** of another's **real property** (land and things permanently attached to the land) **without consent or privilege**.
- **occurs** any time a **person**, without permission, **enters onto, above, or below** the surface of land that is owned by another; **causes anything to enter onto the land; or **remains** on the land or permits anything to remain on it.**
- A **harm** to the land is **not** an essential **element** of this tort because the tort is designed to **protect the right of an owner to exclusive possession**.

Intentional Torts Types: 3. Against Property

➤ Trespass to Land:

- an owner can **remove** a **trespasser** from the premises—or **detain** a trespasser on the premises for a reasonable time— through the use of **reasonable force** without being liable for assault, battery, or false imprisonment.
- **Defenses:** trespass was **warranted** (**ex:** enters to assist someone in danger, police)**Or licensee** (**ex:** is one who is invited or allowed to enter)

Intentional Torts Types: 3. Against Property

- **2. Trespass to Personal Property**(consists of all other movable items):

The intentional interference with an owner's right to use, possess, or enjoy his or her **personal property without** the owner's **consent**.

Intentional Torts Types: 3. Against Property

3. Conversion:

- Whenever a person **wrongfully possesses or uses the personal property of another** without permission, the tort of **conversion** occurs.
- Often, when **conversion** occurs, a **trespass to personal property** also occurs because the **original taking** of the personal property from the owner was a **trespass**, and **wrongfully retaining** it is **conversion**.

Intentional Torts Types

Against Persons	Against Business	Against property
<ul style="list-style-type: none">• Assault and Battery• False Imprisonment• Intentional Infliction of Emotional Distress• Defamation• Invasion of Privacy• Abusive Litigation	<ul style="list-style-type: none">• <u>Wrongful Interference:</u><ol style="list-style-type: none">1. with a Contractual Relationship2. with a Business Relationship• <u>Defenses</u>	<ul style="list-style-type: none">• <u>Trespass to:</u><ol style="list-style-type: none">1. Land2. Personal Property• <u>Conversion</u>