This will assess whether Anthony and Luka could bring assault, battery, and intentional infliction of emotional distress claims against one another arising out of their interactions. Assault is intentional conduct that places someone in reasonable apprehension of an imminent battery. A battery is intentional unwanted and offensive contact (from the perspective of a reasonable person) made with intent to harm or knowledge to a substantial certainty that harm will result. Finally, IIED is  
intentional or reckless extreme and outrageous conduct that causes severe  
emotional harm. In this case, the potential defenses of Anthony and Luka include self-defense and consent. The defense of self-defense allows a person to use reasonable force to defend themselves against unprivileged acts that they reasonably believe will cause  
them harm or offensive contact. A consent defense is available if an individual’s words or conduct reasonably conveyed consent to the allegedly tortious conduct.

Luka

Luka has potential claims for battery and assault, but not IIED as he never suffered any severe emotional harm. With the case of battery, he will argue that although he lunged for the bike, the force that Anthony used in return was not reasonable. He will win this case if the court determines that Anthony used a disproportionate amount of force, especially as Anthony was not in any physical harm. The assault claim is less likely and depends on the interaction. The wording in the case suggests that Luka did not apprehend the contact, due to the bat being hidden. Although this is the case, it is hard to believe that one would not see an individual with a bat hiding behind their back, and that the interaction happened so fast they did not anticipate it. Luka would win this claim if the battery claim is true, as if it was determined Anthony used reasonable force to defend his property, there will be no case for assault. If the battery claim is true, then Luka would need to be in imminent, unwanted fear of the contact. There is no IIED as he never suffered severe emotional harm. The only reckless conduct that is possible to come close is Anthony’s guitar playing, but there is no claim as the only mentioned emotional harm was that “Luka was upset.” If there are no medical records or witnesses of more substantial injuries, there is no IIED. To defend against these claims, Anthony will argue self-defense. In regard to the battery, if he was standing next to the bike, he will argue that due to the immediate, unexpected lunge, he concluded that Luka was attacking him because of his anger. This would have been offensive contact. He would then argue that the force was proportional as being tackled to the ground can result in a concussion, and he did not know if there would be punches following. Anthony also warned him to get off his property, implying that he did not consent to him being there. The defense to the case of assault would be the same and would have the same result. If Luka appeared to be attacking Anthony, Anthony has the right to protect himself. Now if Anthony was standing a decent measure away from Luka, then the defense would not succeed as giving someone a concussion and hitting them multiple times is not proportional to a stolen bike. The court should grant Anthony’s defenses, if he was right next to or in front of the bike, as he was placed in immediate danger of unwanted harm and had the right to protect himself. If the case was he knew that Luka was attempting to steal the bike, the case of self-defense would fail as that is not a proportional amount of force.

Anthony

Anthony has potential claims for battery, assault, and IIED. The case of assault is brought up over the hot cocoa being thrown at the guitar, and when Luka lunged for the guitar. It is reasonable to assume that nobody would want steaming hot cocoa thrown at them, and that that contact is imminent and unwanted. Although not directly stated, it is assumed that Anthony was observing this interaction, and probably was taken aback by the throwing motion. If he argues that Luka intended to contact him in a way that placed him in reasonable apprehension of battery, then he will most likely win the case. Another argument for assault is over Luka lunging for the bike. As Luka suddenly lunged without warning, it was imminent and unwanted. It does not state where Anthony is standing outside, but if he is near the bike then there is a good chance he would interpret the lunging action as an attack. If this were the case, this would be assault. Anthony has a case for battery involving the hot cocoa. The throwing of hot cocoa is battery as it had the intent to harm, or was reckless enough that a reasonable person would have known that harm would result from it. Finally, Anthony has a case for IIED as the conduct was intentional, it was extreme and outrageous, and it caused emotional distress that was severe. The only arguable aspect is that it was extreme and outrageous. Anthony clearly did not consent to Luka posting these pictures after expressing being furious and demanding that Luka takes them down. After he did this and Luka continued to post more, he would argue the conduct became extreme and outrageous. Due to the fact that Luka posted more after the lack of consent as well as the captions of the pictures and videos, it is clear that the emotional harm was intentional. Finally, Anthony was fired from his job and had anxiety attacks which is a form of severe emotional damages. To defend against these claims, Luka will argue consent. He could argue self-defense, but it would most likely fail. He could only argue self-defense if he had seen the bat hidden behind the back and anticipated him hitting him with it after Anthony threatened him to get off his property. Either way this would fail in court as he had a chance to listen, and he initiated conduct. His best chance at defense is through arguing consent of the pictures being taken and posted. He would argue that although he was drunk, he consented through the implied consent of posing, as well as stating that he is an open book. He would then state that because he willingly posed, he was able to post the pictures as they were simply photos in the camera roll. He did not know that his job would see them, and he would be fired. In court, this would most likely fail as Anthony demanded that he takes them down, and the captions suggest he was intentionally making fun of Anthony. Also, posting on Instagram, unless private, implies that one is aware that anyone can access the photos, and they do not know who would view it. Finally, he could argue against the throwing of hot cocoa being battery or assault as he did not intend to hit Anthony, but this would also fail as it was reckless and unwanted.

In conclusion, Anthony would prevail in his claims for battery, assault, and IIED, while Luka’s claims for battery and assault would fail because of self-defense.