

An intoxicated man who was standing on a fifth-floor apartment balcony threatened to jump off the building. A bystander pulled the man back into the building, pushed him into a bedroom, and locked the bedroom door from the outside. When the man became sober, the bystander released him from the bedroom.

Does the man have a claim against the bystander?

- A. Yes, for battery, because the bystander pushed the man into the bedroom. (3%)
- B. Yes, for false imprisonment, because the bystander locked the man in the bedroom. (14%)
- C. Yes, for both battery and false imprisonment. (21%)
- D. No, because the bystander was privileged to act as he did. (60%)

Correct

60% Answered correctly

27 secs Time Spent

2023 Version

Explanation:

Defense of others

Defendant reasonably believes:

plaintiff is about to inflict harmful or offensive contact upon person—ie, third party or plaintiff's own self

person has, or would have had, right of self-defense *and*

defendant's action is necessary to protect person

The privilege to use reasonable force in the **defense of others** exists when the defendant **reasonably believes** that:

the plaintiff is **about to inflict** harmful or offensive **contact** upon a person—ie, a third party or the plaintiff's own self

that person has, or would have had, the right of **self-defense** *and*

the defendant's action is **necessary to protect** that person.

Here, the bystander was *privileged* to pull the intoxicated man into the building, push him into a bedroom, and lock him in the bedroom (reasonable force) to defend him because the bystander reasonably believed that:

the man was about to seriously injure himself by threatening to jump from the fifth-floor balcony

the man would have had the right of self-defense had another person attempted to push him off the building *and*

the action was necessary to protect the man from himself.

Since the bystander had the right to use reasonable force to defend the man from himself, the man has no claim against the bystander.

(Choices A & C) **Battery** occurs when a defendant intends to create contact (or imminent apprehension thereof) and causes harmful or offensive contact with the plaintiff. Although the bystander committed battery by intentionally pulling the man into the building and pushing him into a bedroom, the bystander was privileged to use such force to defend the man from himself.

(Choices B & C) **False imprisonment** occurs when the defendant intentionally confines the plaintiff within fixed boundaries and the plaintiff is aware of the confinement or harmed by it. Here, the bystander falsely imprisoned the man by intentionally locking him in the bedroom, but the bystander is not liable because his conduct was privileged.

Educational objective:

A defendant is privileged to use reasonable force to defend others when the defendant reasonably believes (1) the plaintiff is about to inflict harmful or offensive contact upon a person (ie, a third party or the plaintiff), (2) that person has, or would have had, the right of self-defense, and (3) the defendant's action is necessary to protect that person.

References

Restatement (Second) of Torts § 76 (Am. Law Inst. 1965) (explaining when the privilege to defend others applies).

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