

A disgruntled former employee of a corporation posted false job listings online for his former position. The false job listings directed applicants to email multiple documents, including a resume, to the employee's former manager. The employee intended to generate enough email responses to impede performance of the corporation's computer system.

However, the employee accidentally posted an email address belonging to a small business owner. As a result, the owner received hundreds of emails from job applicants. This made it hard for the owner to find emails relevant to her business but caused no functional disruption to her computer system. Upon discovering that the employee had posted the false job listings, the owner filed suit against the employee for trespass to chattels.

Should the owner prevail in her lawsuit?

- A. No, because the employee intended to interfere only with the corporation's computer system.
- B. No, because the owner cannot show that the employee's interference caused her actual damages.
- C. Yes, because the emails constituted an intentional invasion of another's property without permission or legal privilege.
- D. Yes, because the employee intentionally used or intermeddled with the owner's computer system.

Explanation:

Trespass to chattels (ie, tangible personal property) occurs when an actor **intentionally interferes** with another's **right of possession** by either:

dispossessing the other person of the chattel *or*
using or intermeddling with the other person's chattel.

And under the doctrine of **transferred intent**, an actor's **intent to commit** trespass to chattels **against one person** will **transfer to** the actor's **commission** of the tort **against a different person**.^{*} However, in the absence of actual damages (eg, actual harm to chattels), an action for trespass to chattels based on use or intermeddling will fail.

Here, the employee intended to intermeddle with the *corporation's* computer system by having email responses to the false job listings sent to the employee's former manager. This intent to commit a trespass to chattels then transferred to the *owner* when the employee accidentally directed the emails to the owner instead (**Choice A**). But since the emails caused no functional disruption to the owner's computer system, the owner cannot show that the employee's interference caused her actual damages. Therefore, the owner should not prevail (**Choice D**).

^{*}Transferred intent applies if an actor intends to commit an **intentional tort** against one person but commits a different intentional tort against the same person, the same intentional tort against a different person, or a different intentional tort against a different person.

(Choice C) A trespass to *land* (ie, *real* property) is defined as an intentional invasion of another's property without permission or legal privilege. But here, the owner is suing for trespass to *chattels* (ie, tangible *personal* property).

Educational objective:

Trespass to chattels is an intentional interference with another's tangible personal property through dispossession, use, or intermeddling. The intent to commit this tort against one person will transfer to the commission of the tort against another person.

References

Restatement (Second) of Torts § 217 (Am. Law Inst. 1965) (ways of committing trespass to chattels).

Restatement (Third) of Torts: Liab. for Physical & Emotional Harm § 110 (Am. Law Inst. 2015) (transferred intent).

Trespass to chattels

