

Tort assignment narrative essay

Government



Notwithstanding that Fred may have provoked Ivan by his behavior towards Van's fiancée, however, this is not a defense to intentional wrong doing tort and there is not any reasonable ground for defense of the person of another. Therefore, it would be found that Ivan is liable for battery. There was no actual damage suffered by Fred, hence Fred can only claim for nominal damages. Ivan v the parking attendant - negligent trespass for battery A negligent battery is committed when there is a negligent, direct, and unlawful contact or without consent to another's person.

Prima facie, the injury suffered by Ivan was a direct injury negligently inflicted through the carelessness and negligence of the parking attendant. It would be reasonably foreseeable that someone might be standing under the shutter door. However, there has not been any precedent to support the view of negligent battery, or the interrelationship of fault and trespass. In my view, as long as the elements of negligent trespass are satisfied, the parking attendant would be liable for negligent battery and Ivan might claim for compensatory damage to compensate his medical bill and economic loss.

Assault Ivan v Fred Assault is the intentional creation of an apprehension of an immediate physical violence or unlawful contact. Fred subjectively intended to create an apprehension to carry out force toward Ivan. The nature of his act was clearly manifested to batter Ivan; which hands clenched into fists towards someone's face in close physical proximity would prove the apparent ability of Fred to carry out threat. However, concurrently, Fred intentionally made the statement "you wait till you're outside tonight, you'd*head-you'll regret this".

Although the verbal threat could ultimately take away the immediacy, and the fact that Fred went to sleep suggested that there was no clear evidence for imminent physical violence. However, Fred's threatening gesture was sufficient to cause reasonable apprehension of unlawful physical contact on any ordinary man's mind even if the act might happen later. So it would be found that Fred is liable and hence Ivan might claim for nominal damages as there was no actual injury suffered. *Officer v Tony* Referring to the definition, the threatening statement constituted an intentional act which aimed to threaten the officer with some kind of harm.

The verbal threat of immediate force, and were not even mere words, which has all the essential elements of tort to apprehend immediate unlawful contact, although fear is not required. Tony subjected the officer to intimidation by threatening to apply force in a circumstance that the officer had no right to block the way out. However, the threat was made in an improper way of enforcing his right. On the other hand, it may be said that there has been restraint on Tony by his wife. Yet, this still constituted assault by possessing the means of carrying immediate violence.

Tony would be liable for assault without any reasonable defenses. Again, the officer can claim for nominal damages only without any actual damage or feeling injury. *Rosins v Fred* As previously defined, Fred voluntarily blocked Rosin's way which sufficed as the intentional act. The act of unlawful photographing would not constitute an assault itself (intrusion of privacy instead), however, blocking someone with a "display of force" would carry means of threat into effect, which was reasonable for Rosins to apprehend that the threat would be carried out without her consent.

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Therefore, Fred would be liable for the tort of assault and Rosins likely to claim for nominal damages. False imprisonment Richard v StateImmigrationDepartment [SIDE] False imprisonment is defined as intentional and unauthorized restraint or deprivation of a person's liberty. SIDE was intentionally wrongful used its authority to cause confinement on Orchard's liberty. Although there has been no application of physical force, there was evidence of complete submission by Richard to the control of SIDE, which eventually satisfied the test drawn from the High Court's decision in

Bellman New Ferry Co Ltd v Robertson. Through the presence of officers, it was apparent that if Richard refused to follow, he would be restrained by force. So the requirement of total restraint was abundantly satisfied. SIDE took the action without any requisite warrants or reasonable evidence; a tip-off was not enough to satisfy, so an imprisonment was unlawful since the beginning as they barred exit. No minimum time limit is specified for constituting of the action on false imprisonment, therefore 20 minute of detention or even less than that would still constitute an action for false imprisonment.

There will be no relevant defenses since the action was unlawfully carried out, without any authorized license or statutory authority. So SIDE would be liable for false imprisonment; Richard can claim for nominal damages to signify the infringement of his right and inconvenience without any forthcoming apology from SIDE; and aggravated damages for the injury of his dignity and feelings upon the false imprisonment.

There is no evidence to suggest that Richard suffered any special loss; however, the conduct of SIDE was considered to be arbitrary, oppressive and unconstitutional, hence exemplary damages would be claimed. People in Bar Aroma v State Immigration Department [SIDE] Referring to the definition, as followed concurrently with the false imprisonment of Richard, the liberty of people in Bar Aroma was deprived totally; which could be proved through the fact that Tony was not able to leave.

Again, SIDE had no right to imprison people without any requisite warrants; hence an imprisonment was unlawfully carried out. SIDE may argue of people's unawareness at the time the action took place. However, a person could be imprisoned without his knowing it. And the residence of an official stationed at each door would reasonably allow people to recognize the total restraint on their liberty. Based on the fact, the mean of escape exalts tongue ten sloe door; never, tens was not apparent; nonce It wall not De regarded as reasonable.

So SIDE would be found to be liable for false imprisonment. The people would expect to recover no more than nominal damages due to their unawareness of falsely imprisoned condition and no actual harm suffered. The local people v State Immigration Department [SIDE] As previously defined, the elements of total restrained through unlawful conduct ere abundantly satisfied by barring the exit doors and without any requisite warrants. However, there is no false imprisonment where a person has consented to a restraint on liberty.

It appeared that the local people were aware of the situation and of the purpose in which it was carried out. It was therefore determined that they had given implied consents which surrendered of a portion of their liberty for a certain period. If the cause of action is a restraint in accordance with that surrender, they cannot complain. Furthermore, by knowing the side door, there was a reasonable mean of escape. Hence, an action for false imprisonment might not lie.

Rosins v Fred Referring to the definition, Fred intentionally blocked Rosin's way, which illustrated his unlawfulness by stopping her right from passing the way. However, on the same fact, Fred did not amount to a total restraint of Rosin's liberty, as she could go different directions in order to avoid Fried's contact; hence through merely obstructed the passage of Rosins in a particular direction and not preventing her from going in another direction, Fred will have a good defense to any claim in false imprisonment rough by Rosins.