

## Torts - Spring 1014 Assignment for First Week

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DATE	TOPIC	PAGES (Best & Barnes)	ADDITIONAL READING
1/14	Tort Law: What it Does, Where it's from; How it changes	1-14 465-468	
	Battery I	15-23	Restatement : Battery
1/16	Battery II	23-36	

### RESTATEMENT OF TORTS

#### BATTERY

##### § 1 Intent [REST 3<sup>RD</sup>]

A person acts with the intent to produce a consequence if:  
(a) the person acts with the purpose of producing that consequence; or (b) the person acts knowing that the consequence is substantially certain to result.

**Comment: Illustration:** 1. In a forest area, Ken deliberately pulls the trigger of a rifle. He hopes to hit a wild deer, and he is unaware that any person is in the vicinity. The gun discharges. In fact, Nancy is nearby and is struck by the bullet. Ken has intentionally shot his gun. Yet he has not intentionally caused the harm to Nancy; he did not act with the purpose to produce that harm nor did he know that the harm was substantially certain to occur.

##### §13. Battery: harmful contact

An actor is subject to liability to another for battery if  
(a) he acts intending to cause a harmful or offensive contact with the person of the other or a third person, or an imminent apprehension of such a contact, and  
(b) a harmful contact with the person of the other directly or indirectly results.

##### §18. Battery: offensive contact

(1) An actor is subject to liability to another for battery if  
(a) he acts intending to cause a harmful or offensive

contact with the person of the other or a third person, or an imminent apprehension of such a contact, and  
(b) an offensive contact with the person of the other directly or indirectly results.

(2) An act which is not done with the intention stated in Subsection (1, a) does not make the actor liable to the other for a mere offensive contact with the other's person although the act involves an unreasonable risk of inflicting it and, therefore, would be negligent or reckless if the risk threatened bodily harm.

##### §21. Assault

(1) An actor is subject to liability to another for assault if  
(a) he acts intending to cause a harmful or offensive contact with the person of the other or a third person, or an imminent apprehension of such a contact, and  
(b) the other is thereby put in such imminent apprehension.

(2) An action which is not done with the intention stated in Subsection (1, a) does not make the actor liable to the other for an apprehension caused thereby although the act involves an unreasonable risk of causing it and, therefore, would be negligent or reckless if the risk threatened bodily harm.