

INTENTIONAL TORTS

General Order, start with:

Battery -> Assault (fear of imminent battery) -> False Imprisonment

Battery

To establish a claim in battery, the following elements must be satisfied:

- Direct and Positive Act

[Defendant's] act of _____ [apply the facts] may be considered direct because:

[select from options below]

<It immediately occasioned a prejudice or an injury to the plaintiff OR the plaintiff sustained an injury or prejudice in the course of the defendant's act, not after the action was over
(Reynolds v Clarke)>

<it caused contact so immediately that it is considered part of the act (Scott v Shepherd)>

<it set in motion an unbroken series of continuing consequences, the last of which ultimately caused contact with [plaintiff] (Scott v Shepherd). The chain of directness has not been broken>

Then, _____[further apply the facts; expand and outline the specifics]

- [Defendant's] act is done intentionally

[Defendant's] act of _____[apply the facts] intentional because:

[select from options below]

<[Defendant] had the volition (Fagan v Metropolitan Police)>

<It was deliberate, wilful and [defendant] meant to do it (McNamara v Duncan). **NOTE:** It is only necessary for the defendant to intentionally perform the act which caused the offensive contact with the plaintiff's body; it is irrelevant whether the defendant intended the consequences of the act. It only matters that the act was intentional. Motive is irrelevant – it doesn't matter if the defendant did not mean to injure the plaintiff>

Then, _____[further apply the facts; expand and outline the specifics]

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