TORTS MULTIPLE CHOICE QUESTIONS

1. I am walking out of the mall, where I just bought a new (real) fur coat. An anti-fur-coat activist comes up to me with a can of paint and tells me that if I don't turn around and return the coat, he will throw the paint on my coat. In response, I call him a swear word. He makes a motion as if he is throwing the paint toward me. The lid is still on the can of paint (though I could not see this before), and it is his intent to startle me, not actually spill the paint on me. Unfortunately, the paint can is defective, and the lid comes off. My coat gets covered with paint. Can I successfully sue this guy for battery?

a) Yes, because he intended to assault me.

b) No, because the paint touched my coat, but not me, and battery requires contact with my "person."

c) No, because he did not actually intend to throw the paint.

d) No, because I provoked him.

2. Randall is being sued for battery because he hit Tom on the head with a baseball bat, causing a serious skull fracture. Randall claims that he did not have the intent to cause a harmful or offensive touching on Tom, and so Tom cannot meet his burden of proof for the intent element of battery. Which of the following situations would allow Randall to prevail on his intent argument?

a) Randall meant to hit Tom hard enough to hurt him, but he never meant to crack his skull.

b) Randall was insane and thought that Tom was a ghost, and he thought that the bat would pass through ghost-Tom in a way that would be amusing, not harmful or offensive.

c) From where Randall was standing, Tom really looked like Fred, which is who Randall really wanted to hit. If Randall had known it was Tom, he never would have hit him.

d) Randall's purpose was to practice swinging his bat, not to hit Tom. He knew that Tom's head was there, but a lack of purpose is a lack of intent, so he is only liable under a negligence theory for being careless.

SAMPLE PAGE: Interactive Torts, Multiple Choice Questions

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