

TORTS:
THEORY AND PRACTICE
FOURTH EDITION

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TORTS: THEORY AND PRACTICE

FOURTH EDITION

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MATTHEW  BENDER

Preface

This edition brings the text thoroughly up to date in statutory, judicial, and Restatement developments, and includes law and economic analyses and commentary at key spots throughout.

The structure of the book builds upon the realities that the most common tort litigation is in negligence actions, and that key ancillary tort principles (*i.e.*, causation, proximate causation, damages, and multiple defendant doctrines) have been developed in that litigation. Negligence also provides a rich environment for learning and testing the various modes of legal reasoning and doctrinal development. Once the law of negligence is understood, learning and assimilating other theories of tort liability readily follow with less effort and time.

For these reasons and others, this book begins with the law of negligence and develops it fully in the first 11 chapters. Thereafter, the text develops alternative theories of tort liability (and statutory remedies) in individual chapters. These chapters include all the primary non-negligence theories of liability ranging from intentional torts and strict liability to defamation, invasion of privacy and constitutional torts.

We believe this structure provides the optimal approach for teaching and learning torts. For teachers who teach in curriculums that devote five or six hours to torts, the entire book provides a text for teaching a comprehensive torts course. For teachers who teach in curriculums that have trimmed the number of hours assigned to first year courses, the first 11 chapters provide an excellent text for a basic course centered on negligence, and the remainder of the book provides an equally good text for adding additional materials or teaching an advanced course.

We would be pleased to receive notice of errors and suggestions for improvements from law students, law teachers, and other users of this book.

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Table of Contents

Chapter 1	AN INTRODUCTION TO THE BACKGROUND AND THEORY OF TORT LAW	1
Chapter 2	PRELIMINARY CONCEPTS	9
§ 2.01	INTRODUCTION	9
§ 2.02	COMMON LAW HERITAGE — CAUSES OF ACTION	10
	<i>Stanley v. Powell</i>	13
	Notes and Questions	17
	<i>Fowler v. Lanning</i>	18
	Notes and Questions	22
§ 2.03	THE LITIGATION PROCESS	23
	Question	25
Chapter 3	THE SEPARATION OF NEGLIGENCE AND INTENTIONAL TORTS	27
	<i>Williams v. Holland</i>	27
	Questions	29
	<i>Letang v. Cooper</i>	30
	Notes and Questions	34
Chapter 4	NEGLIGENCE OVERVIEW	37
§ 4.01	INTRODUCTION	37
§ 4.02	DUTY	37
	Problem A	37
	<i>Heaven v. Pender</i>	38
	Notes	41
	<i>Donoghue v. Stevenson</i>	42
	Note	45
	<i>Palsgraf v. Long Island Railroad Co.</i>	46
	Notes and Questions	50
	Commentary	51
	<i>Dallas v. Granite City Steel Company</i>	53
	Notes and Questions	56
	<i>Tesar v. Anderson</i>	60
	Notes and Questions	64
	<i>Roberson v. Allied Foundry & Machinery Co.</i>	65
	Notes and Questions	68
	<i>Home Office v. Dorset Yacht Co., Ltd.</i>	68
	Notes and Questions	71

Table of Contents

	Commentary: A Law and Economics Approach to Duty	73
§ 4.03	BREACH	77
	Problem B	77
	<i>Vaughan v. Menlove</i>	78
	Question	80
	<i>Brown v. Kendall</i>	80
	Notes and Questions	82
	<i>Lester v. Sayles</i>	83
	Notes and Questions	87
	<i>Glasgow Corporation v. Muir</i>	90
	Note	93
	<i>United States v. Carroll Towing Co.</i>	93
	Notes and Questions	95
	Commentary: The Role of Cost/Benefit Analysis in Tort Law	98
§ 4.04	CAUSE-IN-FACT	102
	Problem C	102
	<i>Jeffers v. Amoco Production Co.</i>	103
	Notes and Questions	104
	<i>Tice v. Tice</i>	105
	Notes and Questions	107
§ 4.05	PROXIMATE CAUSATION	107
	Problem D	107
	<i>Wing v. Morse</i>	108
	Notes and Questions	110
§ 4.06	DAMAGES	112
	<i>Livingstone v. The Rawyards Coal Company</i>	113
	Notes and Questions	117
	<i>Carbonaro v. Johns-Manville Corp.</i>	117
	Notes and Questions	119
§ 4.07	DEFENSES AND PARTIES	122
	<i>Butterfield v. Forrester</i>	122
	Notes	123
	<i>Merryweather v. Nixan</i>	123
	Notes and Questions	124
Chapter 5	DUTY	127
§ 5.01	INTRODUCTION	127
§ 5.02	GENERAL PRINCIPLES	128
	<i>Mickle v. Blackmon</i>	128
	Notes and Questions	131
	<i>Olson v. Village of Oak Lawn</i>	132

Table of Contents

	Notes and Questions	135
§ 5.03	EMOTIONAL HARM — NOT CAUSED BY PHYSICAL CONTACT	135
	<i>Mitchell v. Rochester Railway Co.</i>	136
	Notes and Questions	137
	<i>Waube v. Warrington</i>	138
	Notes and Questions	142
	<i>McLoughlin v. O'Brian & Others</i>	143
	Notes and Questions	149
§ 5.04	OWNERS AND OCCUPIERS OF LAND	153
[A]	General	154
	<i>Robert Addie & Sons (Collieries) v. Dumbreck</i>	154
	Note	156
	<i>Preston v. Sleziak</i>	156
	Notes and Questions	161
	<i>Rowland v. Christian</i>	164
	Notes and Questions	168
	<i>Merrill v. Jansma</i>	172
	Notes and Questions	181
[B]	Children	183
	<i>United Zinc & Chemical Co. v. Britt</i>	183
	Notes and Questions	188
§ 5.05	ECONOMIC HARM	190
[A]	Negligent Misrepresentation	190
	<i>Ultramares v. Touche, Niven & Co.</i>	190
	Notes and Questions	197
[B]	Economic Injury in the Absence of Personal Injury or Property Damage	202
	<i>PPG Industries, Inc. v. Bean Dredging Company</i>	202
	Notes and Questions	206
	<i>Petition of Kinsman Transit Company</i>	208
	Notes and Questions	211
§ 5.06	RESCUERS	213
	<i>Horsley v. MacLaren</i>	213
	Notes and Questions	216
	<i>Tarasoff v. Regents of University of California</i>	219
	Notes and Questions	225
§ 5.07	HARM TO UNBORN CHILDREN	227
	<i>Bonbrest v. Kotz</i>	227
	Notes and Questions	231
	<i>Grover et al. v. Eli Lilly and Company et al.</i>	232
	Notes and Questions	237

Table of Contents

§ 5.08	WRONGFUL DEATH AND SURVIVAL	238
	<i>Baker v. Bolton</i>	238
	Notes and Questions	238
	<i>Jacksonville Street Railway v. Chappell Adm'x</i>	240
	Note	243
	<i>Florida East Coast Railway v. McRoberts</i>	243
	Notes and Questions	246
	Model Survival and Death Act	247
§ 5.09	WRONGFUL BIRTH AND WRONGFUL LIFE	249
	<i>Boone v. Mullendore</i>	249
	Notes and Questions	256
	<i>Harbeson v. Parke-Davis, Inc.</i>	258
	Notes and Questions	261
Chapter 6	BREACH	265
§ 6.01	GENERAL PRINCIPLES	265
	Problem A	265
	<i>Griffin v. Watkins</i>	265
	Notes and Questions	269
	<i>Douglas v. Great Atlantic & Pacific Tea Co.</i>	269
	Notes and Questions	272
	<i>Mickle v. Blackmon</i>	274
	<i>Watson v. State Farm Fire and Casualty Insurance Co.</i>	278
	Notes and Questions	282
	<i>Washington v. Louisiana Power and Light Company</i>	283
	Notes and Questions	286
	<i>United States Fidelity & Guaranty Company v. Plovridba</i>	287
	Notes and Questions	291
§ 6.02	RES IPSA LOQUITUR	292
	<i>Byrne v. Boadle</i>	292
	Question	294
	<i>Escola v. Coca Cola Bottling Company</i>	294
	Question	298
	<i>Dayton Tire and Rubber Co. v. Davis</i>	298
	Notes and Questions	304
§ 6.03	BREACH OF STATUTE	308
	Problem B	308
	<i>Melerine v. Avondale Shipyards, Inc.</i>	309
	Notes and Questions	312
§ 6.04	CUSTOM	316
	<i>Mayhew v. Sullivan Mining Co.</i>	316

Table of Contents

	Notes and Questions	318
	<i>St. Louis-San Francisco Railway Co. v. White</i>	320
	Notes and Questions	324
§ 6.05	MODIFIED STANDARD — LOWER CAPACITY	325
	Notes and Questions	325
	<i>Ramey v. Knorr</i>	326
	Notes and Questions	331
§ 6.06	MODIFIED STANDARD — EMERGENCY	333
	<i>Horsley v. MacLaren</i>	333
	<i>Klepper v. Breslin</i>	335
	Notes and Questions	338
§ 6.07	MALPRACTICE	339
	<i>Perin v. Hayne</i>	339
	Notes and Questions	345
	<i>Pederson v. Dumouchel</i>	347
	<i>Aetna Insurance Co. v. Hellmuth, Obata & Kassabaum, Inc.</i>	351
	Notes and Questions	353
§ 6.08	MODIFIED STANDARD — COMMON CARRIERS AND HAZARDOUS ACTIVITIES	355
	<i>Blueflame Gas, Inc. v. Van Hoose</i>	355
	Note	358
§ 6.09	STATUTORY MODIFICATIONS	359
	<i>Spence v. Vaught</i>	359
	Notes and Questions	363
Chapter 7	CAUSE-IN-FACT	365
§ 7.01	INTRODUCTORY PROBLEM	365
§ 7.02	GENERAL	365
	Note	365
§ 7.03	CIRCUMSTANTIAL PROOF	366
	<i>Zinnel v. Berghuis Construction Co.</i>	366
	Notes and Questions	368
	<i>New York Life Insurance Co. v. McNeely</i>	370
	Notes and Questions	375
	Commentary: Correlation as Cause	376
§ 7.04	SHIFTING THE BURDEN OF PROOF	377
	<i>Oliver v. Miles</i>	377
	Note and Question	379
	<i>Sindell v. Abbott Laboratories</i>	379
	Notes and Questions	391
	<i>Anderson v. Somberg</i>	394

Table of Contents

	Notes and Questions	401
§ 7.05	MODIFIED SUBSTANTIAL FACTOR	403
	<i>Rutherford v. Owens-Illinois, Inc.</i>	403
	<i>Fairchild v. Glenhaven Funeral Services Ltd. and Others</i>	405
Chapter 8	PROXIMATE CAUSATION	409
§ 8.01	INTRODUCTION	409
	Problem	410
	<i>City of Scottsdale v. Kokaska</i>	410
	Notes and Questions	414
§ 8.02	UNFORESEEN PLAINTIFFS	416
	<i>Palsgraf v. Long Island Railroad</i>	416
	Notes and Questions	421
§ 8.03	UNFORESEEN CONSEQUENCES	422
	<i>In re Polemis v. Furness, Withy and Company</i>	422
	<i>Overseas Tankships (U.K.) Ltd. v. Monks Dock & Engineering Co. Ltd.</i> <i>(The Wagon Mound)</i>	423
	Notes and Questions	428
	<i>Zeigler v. Blount Brothers Construction Co.</i>	429
	Notes and Questions	431
§ 8.04	NOVUS ACTUS INTERVENIENS	432
	<i>Moum v. Maercklein</i>	432
	Notes and Questions	435
§ 8.05	FREAKISH SEQUENCE OF EVENTS	437
	<i>Tolin v. Terrell</i>	437
	Notes and Questions	439
Chapter 9	DEFENSES	443
§ 9.01	CONTRIBUTORY NEGLIGENCE	443
	Notes	443
	<i>Davies v. Mann</i>	444
	<i>Odekirk v. Austin</i>	446
	Notes and Questions	449
§ 9.02	VOLENTI NON FIT INJURIA (ASSUMPTION OF RISK)	451
	Problem	451
	<i>Lambert v. Will Brothers Company</i>	451
	Notes and Questions	456
§ 9.03	FELLOW SERVANT RULE	459
	<i>Priestly v. Fowler</i>	459
	Note	461
§ 9.04	COMPARATIVE NEGLIGENCE	461

Table of Contents

[A]	Overview	461
	<i>Hoffman v. Jones</i>	461
[B]	History and Status	466
[C]	Varieties of Comparative Negligence	467
[1]	Pure Comparative Negligence	467
[2]	Modified Comparative Negligence	467
[a]	The 50% Rule	467
[b]	The 49% Rule	468
[c]	Slight/Gross Rules	468
[D]	Effect on Other Common Law Doctrines	469
[1]	Last Clear Chance	469
[2]	Assumption of Risk	470
[a]	In General	470
[b]	Contact Sports	471
[3]	Patent Danger Rule	473
[4]	Res Ipsa Loquitur	473
[5]	Gross Negligence	475
[E]	Computation Principles and Issues	475
[1]	Approaches to Apportioning Damages	476
[a]	Admiralty Equal Division of Damages	476
[b]	Apportionment by Degrees of Negligence	476
[c]	Just and Equitable Apportionment	477
[2]	Use of Special Verdicts and Other Devices to Simplify the Calculations	478
[a]	In General	478
[b]	Forms of Verdicts Permitted in Comparative Negligence Actions	479
[i]	General verdicts	479
[ii]	Special verdicts	479
[iii]	General verdict accompanied by answers to interrogatories	480
[c]	Must the Jury Be Informed of the Consequences of Its Special Findings	480
[d]	Civil Verdicts Permitted by Less than a Unanimous Vote of the Jury	481
§ 9.05	IMMUNITIES	481
	<i>Enghauser Mfg. Co. v. Eriksson Engineering</i>	482
	Notes and Questions	486
	<i>Beattie v. Beattie</i>	487
	Notes and Questions	492
	<i>Sears, Roebuck & Co. v. Huang</i>	493
	Notes and Questions	498

Table of Contents

	<i>Cowan v. Hospice Support Care, Inc.</i>	503
	Notes and Questions	506
Chapter 10	DAMAGES	509
§ 10.01	PERSONAL INJURY	509
[A]	Elements of Recovery	509
	Problem	509
	<i>Rush v. Sears, Roebuck and Co.</i>	509
	Notes and Questions	512
	<i>Helfend v. Southern California Rapid Transit District</i>	514
	Notes and Questions	520
[B]	Nature of Proof	528
	<i>Jordan v. Bero</i>	528
	Notes and Questions	535
	<i>O'Dowd v. Lineham</i>	537
	Notes and Questions	539
[C]	Adjustments to Recoveries	541
	Notes and Questions	541
§ 10.02	PUNITIVE DAMAGES	548
	<i>Roginsky v. Richardson-Merrill, Inc.</i>	548
	Notes and Questions	553
§ 10.03	PROPERTY DAMAGES	556
	Notes and Questions	556
Chapter 11	MULTIPLE PARTIES	559
§ 11.01	INTRODUCTION	559
§ 11.02	VICARIOUS LIABILITY	559
	<i>Perdue v. Mitchell</i>	559
	Notes and Questions	561
	<i>Scott v. McGaugh</i>	567
	Notes and Questions	571
	<i>Weber v. Stokely-Van Camp, Inc.</i>	572
	Notes and Questions	577
	<i>Stopplesworth v. Refuse Hideaway, Inc.</i>	577
	Notes and Questions	583
§ 11.03	SETTLEMENT ISSUES	583
	<i>Hodesh v. Korelitz</i>	586
	Notes and Questions	590
§ 11.04	SPECIAL CONSIDERATIONS IN COMPARATIVE NEGLIGENCE . .	592
[A]	Liability of Multiple Defendants	592
[1]	Joint and Several Liability	593

Table of Contents

	<i>Coney v. J.L.G. Industries, Inc.</i>	593
	Notes and Questions	596
[2]	Individual Apportioned Liability	597
[B]	Threshold Comparisons	598
[C]	Phantom Tortfeasors	599
§ 11.05	CONTRIBUTION AND INDEMNIFICATION	600
[A]	Common Law Rule	600
[B]	Modern Contribution Rules	603
[C]	Effect of Comparative Negligence	606
[1]	Comparative Negligence with Joint and Several Liability	606
[2]	Comparative Negligence with Apportioned Individual Liability	610
[3]	Indemnity Under Comparative Negligence	611
[D]	Contribution and Immunities	611
Chapter 12	INTENTIONAL TORTS TO THE PERSON	613
§ 12.01	INTRODUCTION	613
	Problems	613
§ 12.02	ELEMENTS OF THE PRIMA FACIE CASE	615
§ 12.03	MENTAL STATE OF THE DEFENDANT	619
[A]	Intent	619
	<i>Clayton v. New Dreamland Roller Skating Rink</i>	620
	Notes and Questions	622
	<i>Masters v. Becker</i>	623
	<i>Peterson v. Haffner</i>	625
	Notes and Questions	626
[B]	Malice	627
	<i>Sanders v. Daniel International Corporation</i>	627
	Notes and Questions	632
	<i>Chapman v. Honig</i>	633
	Notes and Questions	636
	<i>Eckenrode v. Life of America Insurance Company</i>	637
	Notes and Questions	640
[C]	Scienter	643
	<i>Derry v. Peek</i>	643
	Notes and Questions	648
[D]	Probable Cause	650
	<i>Coblyn v. Kennedy's, Inc.</i>	650
	Notes and Questions	654
§ 12.04	MENTAL STATE OF THE PLAINTIFF	657
[A]	Unconsented to Touchings	657
	<i>McDonald v. Ford</i>	657

Table of Contents

	Question	659
	<i>Wilkinson v. Vesey</i>	660
[B]	Apprehension of Battery	664
	<i>Stephens v. Myers</i>	664
	Question	665
[C]	Extreme Emotional Upset	665
[D]	Reasonable Reliance	665
	<i>Sharp v. Idaho Investment Corp.</i>	665
	Notes and Questions	669
	<i>Bessett v. Basnett</i>	669
	Notes and Questions	672
§ 12.05	PHYSICAL EFFECT ON THE PLAINTIFF	673
[A]	Harmful or Offensive Touching	673
[B]	Confinement	673
	Question	673
§ 12.06	ECONOMIC EFFECT ON THE PLAINTIFF	673
	Note and Question	674
§ 12.07	DEFENSES	674
[A]	Defense of Life and Limb	674
	<i>Watts v. Aetna Casualty & Surety Company</i>	674
	Notes and Questions	677
[B]	Assault and Battery	679
	<i>Bradley v. Hunter</i>	679
	Questions	683
[C]	Defense of Property	684
	<i>Katko v. Briney</i>	684
	Notes and Questions	691
[D]	Defense of Economic Interests	692
	<i>Frank Coulson, Inc.-Buick v. General Motors Corp.</i>	692
	Notes and Questions	695
[E]	Insanity and Childhood	696
[F]	Parens Patriae — Intentional Corporal Punishment	698
	<i>Thomas v. Bedford</i>	698
	Notes and Questions	700
[G]	Apprehension of a Fleeing Felon	702
Chapter 13	COMMON LAW STRICT LIABILITY PROBLEM	705
	Problem	705
	<i>Fletcher v. Rylands</i>	706
	<i>Rylands v. Fletcher</i>	708
	Question	709
	<i>Clark-Aiken Company v. Cromwell-Wright Company</i>	709

Table of Contents

	Notes and Questions	712
	<i>Klein v. Pyrodyne Corporation</i>	714
	Notes and Questions	722
	<i>Pecan Shoppe of Springfield, Missouri, Inc. v. Tri-State Motor Transit Co.</i>	725
	Notes and Questions	731
	<i>Isaacs v. Powell</i>	735
	Notes and Questions	737
	<i>House v. Thornton</i>	741
	Notes	745
Chapter 14	PRODUCT LIABILITY	747
	Problem	747
§ 14.01	NEGLIGENCE AND PRIVACY: THE DOCTRINE THAT OUGHT NEVER HAVE BEEN	749
	<i>Winterbottom v. Wright</i>	749
	Note	752
	<i>Thomas v. Winchester</i>	753
	Note	757
	<i>MacPherson v. Buick Motor Co.</i>	757
	<i>Donoghue v. Stevenson</i>	760
	Notes and Questions	764
§ 14.02	EXPRESS AND IMPLIED WARRANTIES AND PRIVACY	764
	<i>Baxter v. Ford Motor Co.</i>	766
	<i>Henningsen v. Bloomfield Motors, Inc.</i>	769
	Notes and Questions	778
§ 14.03	STRICT LIABILITY FOR DEFECTIVE PRODUCTS	780
	<i>Greenman v. Yuba Power Products, Inc.</i>	780
	Notes and Questions	782
	Commentary: A Law and Economics Perspective on Strict Liability . .	784
	<i>West v. Caterpillar Tractor Company</i>	786
	Notes and Questions	793
	<i>Wooderson v. Ortho Pharmaceutical Corp.</i>	799
	Notes and Questions	805
§ 14.04	PRODUCT LIABILITY: RATIONALIZATION OF THEORIES	808
[A]	The Prima Facie Case	808
[1]	Duty	808
[2]	Breach	810
	<i>Thibault v. Sears, Roebuck & Co.</i>	812
	Notes and Questions	817
[3]	Causation	821
[4]	Damages	821
[B]	Affirmative Defenses	823

Table of Contents

[C]	Contribution and Indemnification	826
	<i>Skinner v. Reed-Prentice Division</i>	827
	Note and Question	835
Chapter 15	TORTIOUS DAMAGE TO INTERESTS IN PROPERTY	837
§ 15.01	TRESPASS	837
	Problem A	837
[A]	Introduction	837
[B]	The Gravamen of Trespass	838
	<i>Dumont v. Miller</i>	838
	Notes and Questions	838
	<i>Hudson v. Nicholson</i>	840
	<i>Garrett v. Sewell</i>	841
	Notes and Questions	843
[C]	Nature of Defendant's Act of Entry	847
	<i>Serota v. M. & M. Utilities, Inc.</i>	847
	<i>Rushing v. Hooper-McDonald, Inc.</i>	849
	Notes and Questions	852
[D]	Defenses	853
	<i>Florida Publishing Co. v. Fletcher</i>	853
	Notes and Questions	856
[E]	Remedies	857
	<i>Turner v. Southern Excavation, Inc.</i>	857
	Notes and Questions	859
§ 15.02	TRESPASS TO CHATTELS AND CONVERSION	863
	Problem B	863
	<i>Fouldes v. Willoughby</i>	864
	<i>Masonite Corporation v. Williamson</i>	867
	Notes and Questions	870
	<i>Thyroff v. Nationwide Mut. Ins. Co.</i>	872
	Notes and Questions	876
§ 15.03	NUISANCE	876
	Problem C	876
[A]	Gravamen of Private Nuisance	877
	<i>Baldwin v. McClendon</i>	877
	<i>McCarty v. Natural Carbonic Gas Co.</i>	880
	Notes and Questions	884
[B]	Gravamen of Public Nuisance	889
	<i>Culwell v. Abbott Construction Company</i>	889
	Notes and Questions	892

Table of Contents

[C]	Remedies	894
	<i>Helmkamp v. Clark Ready Mix Company</i>	894
	Notes and Questions	895
§ 15.04	ENVIRONMENTAL TORTS	899
Chapter 16	WORKERS' COMPENSATION, NO-FAULT AUTOMOBILE REPARATIONS, AND OTHER STATUTORY MEASURES	901
§ 16.01	WORKERS' COMPENSATION	901
	<i>New York Central Railroad v. White</i>	903
	Notes	909
§ 16.02	NO-FAULT AUTOMOBILE REPARATIONS	912
§ 16.03	STATUTORY TORTS AND OTHER STATUTORY REVISIONS OF THE COMMON LAW	916
Chapter 17	DEFAMATION AND INVASION OF PRIVACY	919
§ 17.01	DEFAMATORY CONTENT	919
	Problem	919
	<i>Villers v. Monsley</i>	919
	Question	921
	<i>Salomone v. MacMillan Publishing Company</i>	921
	<i>Salomone v. MacMillan Publishing Company</i>	925
	Notes and Questions	926
	<i>Lewis v. Daily Telegraph Ltd.</i>	930
	<i>E. Hulton & Co. v. Jones</i>	936
	Notes and Questions	939
§ 17.02	PUBLICATION	941
	<i>Collerton v. MacLean</i>	941
	Notes and Questions	946
§ 17.03	MALICE	949
[A]	Common Law Malice	949
[B]	Constitutional Malice	949
	<i>New York Times Company v. Sullivan</i>	949
	Notes and Questions	954
	<i>Gertz v. Robert Welch, Inc.</i>	954
	Notes and Questions	960
§ 17.04	DAMAGES	963
[A]	Under Common Law	963
	<i>Gertz v. Robert Welch, Inc.</i>	963
	Notes and Questions	968
[B]	Damages Under Constitutional Restraints	969

Table of Contents

§ 17.05	DEFENSES	970
[A]	Justification	970
	<i>Truth (N.Z.) Ltd. v. Avery</i>	970
	Notes and Questions	972
[B]	Fair Comment	973
	<i>Lane v. Random House, Inc.</i>	973
	Notes and Questions	978
[C]	Absolute Privilege	981
	<i>Barr v. Matteo</i>	981
	Notes and Questions	986
[D]	Qualified Privilege	987
	<i>Watt v. Longsdon</i>	987
	Notes and Questions	993
§ 17.06	STATUTORY MODIFICATIONS	994
§ 17.07	INJURIOUS FALSEHOOD/SLANDER OF TITLE	995
	<i>Whildin v. Kovacs</i>	995
	Notes	996
§ 17.08	INVASION OF PRIVACY	998
	<i>Froelich v. Adair</i>	999
	Note and Question	1003

TABLE OF CASES	TC-1
-----------------------	-------------

INDEX	I-1
--------------	------------
