

**CHAPTER****4****The Law of Torts****Legal Terms**

*In the Answer column, write the identifying letter of the word or phrase in Column I that best matches the definition in Column II.*

Column I	Column II	Answer
a. trespass	1. Interference with another's enjoyment of life or property.	1. _____
b. nuisance	2. Wrongful act of injuring another's reputation with false statements.	2. _____
c. defamation	3. Failure to exercise the degree of care that the reasonable person would exercise.	3. _____
d. intentional tort	4. Court order issued by a judge ordering a person to do or not to do something.	4. _____
e. injunction	5. Responsibility to answer for harm that results from ultrahazardous activities.	5. _____
f. negligence	6. Wrong that occurs when a person knows and desires the consequences of his or her act.	6. _____
g. proximate cause	7. One person's interference with the rights of another.	7. _____
h. strict liability	8. Wrongful injury to or interference with the property of another.	8. _____
i. tort	9. One person's failure to exercise the degree of care a reasonable person would exercise in the same situation.	9. _____
j. breach of duty	10. The link between unreasonable conduct and an injury in a negligence suit.	10. _____

**Key Points in Your Reading**

*Indicate whether each of the following statements is true or false by circling T or F.*

	Answer
1. One of the primary purposes of the law is to protect you from the wrongful acts of others.	1. T F
2. A tort is a wrong against an individual.	2. T F
3. Tort lawsuits are brought by the state in order to punish wrongdoers.	3. T F
4. Sometimes a wrong can be both a tort and a crime.	4. T F
5. An assault and a battery are always committed together.	5. T F
6. Property owners today own the airspace to the highest point in the sky over their heads.	6. T F
7. It is not considered a wrongful act to interfere with another person's contracts.	7. T F
8. Under the law, all people are entitled to certain rights.	8. T F
9. Public officials can win a lawsuit for libel or slander even if actual malice cannot be proved.	9. T F
10. Individuals have the right to know what records concerning them are being kept by government agencies.	10. T F
11. A person does not need to suffer injuries or damages to property to be able to recover from another person for that person's negligence.	11. T F
12. A public nuisance is one that affects a large group of people.	12. T F

13. If there is a defect in a product that causes an injury, the company that manufactures the product is often liable.
14. Today, when the victim of a tort dies the chance for a lawsuit also dies.
15. Money will always repay the injured party for the damages suffered in a tort injury.

13. T F  
14. T F  
15. T F

## You're the Judge

For each of the following cases, circle Yes or No to indicate your decision. Then, in your own words, state the legal principle or legal reason that applies to the facts in the case.

Answer

1. Milton Taylor pointed a gun at Jane Tate and said to her, "I hate you and I'm going to shoot you!" Tate left. Taylor claims that he did not commit a tort because he did not shoot Tate. Is he correct?

1. Yes No

Legal Principle: \_\_\_\_\_

2. Wendy Horgan discovered a car parked on the side of the road with keys left in it. Seeing no one around, she got in the car, started it up, and drove it away. She abandoned the car about two hours later when it ran out of gas. Did she commit a tort?

2. Yes No

Legal Principle: \_\_\_\_\_

3. Edmund Mann entered a vacant house without the permission of the owner. The house was owned by Donald Subich. Mann was caught by Subich who claimed he had the right to bring a lawsuit against Mann for trespass. Mann argues that there was no trespass, because there was no injury to Subich's property. Is Mann correct?

3. Yes No

Legal Principle: \_\_\_\_\_

4. Peter Kiezulas negligently drove his speed boat into a group of swimmers. The swimmers, however, were in a place that they were not supposed to be. The jury found that Kiezulas was negligent and assessed damages at \$50,000. However, it also found that the swimmers were 20 percent negligent in contributing to their own injuries. Under comparative negligence guidelines, do the swimmers recover any of the damages awarded by the court?

4. Yes No

Legal Principle: \_\_\_\_\_

5. Jamey Wieninger wanted to remove some tree stumps on his property. He was very careful in setting the explosive charges. Nevertheless, some of the debris from the explosion damaged Harry Loman's car. Will Wieninger have to reimburse Loman?

5. Yes No

Legal Principle: \_\_\_\_\_

## Legal Application

Page through the daily paper in your hometown and find a news story about a public figure or a public official that would appear to be damaging to that person's reputation. On a separate sheet of paper, in 200 to 300 words, explain what that public figure or public official would have to prove to succeed in a defamation lawsuit. Then return to the paper and page through it again. This time make a list of the stories that you feel focus on what the law calls temporary public figures. In another 200 to 300 words explain whether you feel that it is fair to make these temporary public figures follow the same defamation standard as the permanent public figures.