

Intentional Torts

1. Be prepared to define, explain, give examples of, and distinguish between the following terms:

- a. intentional torts against the person
- b. intentional torts against property
 - (1) What are some examples of intentional torts against property?
- c. real property
- d. personal property
- e. chattel

2. Read and be prepared to orally brief and discuss the pre-trial brief:

- “Pre-Trial Brief: Nuisance” [online]

Written by some Murfreesboro attorneys, it addresses issues including trespass, nuisance, damages, etc. Discuss and answer the following questions:

- a. Define nuisance, based on the statutory and/or case law cited. In this case, what constituted the trespass?
- b. Define trespass, based on the statutory and/or case law cited. In this case, what constituted the nuisance?
- c. Analyze and explain how waste and water runoff from one property owner’s property onto another’s can be both nuisance and trespass.
- d. What is the “Right to Farm Act” and what does it do?
- e. Based on the arguments presented in the trial brief, analyze and explain why the “Right to Farm Act” may violate constitutional guarantees that no citizen will have his property taken without due process. (See Chapter 5 for a review of the due process clause.)
- f. In your opinion, why would the State of Tennessee have a law on its books that protects farmers from nuisance suits? Is there value in protecting farmers at the expenses of non-farmers? Why or why not? If you were creating public policy in this regard, what would your policy be?

3. Read and be prepared to orally brief and discuss the case:

- *Register.com, Inc. v. Verio, Inc.* [on-line]

Be prepared to answer and discuss the following questions:

- a. What is the chattel or personal property in this case?
- b. What is the alleged tort in this case? Against what property?
- c. Must access be unauthorized to be a trespass?
- d. Why do you think the court made the distinction between the “bots” that made automatic successive multiple queries and the individuals who made manual queries?
- e. What are the challenges in determining property owners’ rights when their property exists only in cyberspace?