

Name _____

The Chair and the Stick (Part 1)

Analysis from Multiple Perspectives

thinkStarter

Should you ever be able to hit someone without getting in trouble for it?
Why or why not?

Reasons to hit someone	Why should this reason keep you from getting into trouble?

thinkStarter Summary

If you hit someone, the person can sue you for **battery**, which is just a fancy word for hitting someone. If you commit a battery and get sued, you will be the **defendant**, and the **plaintiff** could win a lawsuit against you. If the plaintiff wins, you will be liable for battery. In other words, you will have to pay the plaintiff money for the harm you caused.

thinkHypothesis

Based on the discussion in the thinkStarter activity, write a rule for battery in the space below.

A battery happens when a defendant:

There are four elements that make hitting someone a battery. A battery must meet all four elements.

1.
2.
3.
4.

The Chair (Garrett v. Daily, Washington, 1956)

Brian was five years old, and his aunt sued him for battery. His aunt claimed that Brian saw she was about to sit down in a chair. Brian pulled the chair away from her just as she was going to sit down. As a result, she fell on the floor. She seriously hurt her hip and had to pay \$11,000 in hospital bills.

Do you think Brian is liable for battery?

Did Brian's actions meet all 4 requirements?

Element 1: Brian's act was on purpose.	
Plaintiff's Evidence Supporting the Element	Defendant's Evidence Against the Element
Which Evidence is Stronger? Why?	
Element 2: Brian's act involved contact with another person.	
Plaintiff's Evidence Supporting the Element	Defendant's Evidence Against the Element

Which Evidence is Stronger? Why?

Element 3: Brian's act was harmful or offensive.

Plaintiff's Evidence Supporting the Element

Defendant's Evidence Against the Element

Which Evidence is Stronger? Why?

Element 4: Brian's act caused damages.

How will Brian's aunt argue that Brian's act caused damages?

How will Brian's aunt argue that Brian's act caused damages?

What do you think? Why?

thinkBigPicture

Would you sue your 5-year-old nephew if he did this to you?
Why or why not?

Why do you think she is suing her own family member?

Do you think Brian is liable for battery?

- ☐ Yes
- ☐ No

NEW FACT 1: Does this change your mind about whether Brian is responsible? Why or why not?

Do you think Brian is liable (responsible) for battery?

- ☐ Yes
- ☐ No

NEW FACT 2: Does that change your mind about whether Brian is responsible? Why or why not?

Do you think Brian is liable (responsible) for battery?

- ☐ Yes
- ☐ No

Your teacher will tell you what happened in the real case. What do you think about the decision?

thinkBigger (Menagh v. Breitman, New York, 2010)

Juliet was 4 years old when she and her 5-year-old friend Jacob raced their bikes down a sidewalk in New York. Juliet and Jacob's mothers were watching them. Their bikes still had training wheels. The children crashed into Claire, an 87-year-old woman who was walking on the sidewalk. Claire broke her hip. She sued Juliet and Jacob for battery.

Should Juliet and Jacob be liable for battery against Claire? Why or why not?

Are Juliet's and Jacob's actions worse than Brian's in the *Chair Case*? Why or why not? (Compare specific facts from the *Chair Case* to this case in your answer).