

Name \_\_\_\_\_

Class Period: \_\_\_\_\_

## The Chair and the Stick (Part 1)

### *Analysis from Multiple Perspectives*



#### thinkStarter

Should you ever be allowed to hit someone without getting into trouble?  
Why or why not?

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

#### thinkStarter Summary

**Battery** is when you purposely cause physical harm to another person without permission. Something as simple as a push or a punch could be considered battery. If you commit battery and get sued, you will be the **defendant**, and the **plaintiff**, the person wronged or hurt, could win a lawsuit against you. If the plaintiff wins, you will be liable for battery, which means you must pay them money for the harm you caused.

#### thinkHypothesis

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

1. Intentional (on purpose)
2. Contact with another person
3. Harmful or offensive
4. Cause damages

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### **The Chair Case (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.	
How will Brian's aunt argue that Brian's act was on purpose?	How will Brian's aunt argue that Brian's act was on purpose?
Which evidence is stronger? Why?	
Element 2: Brian's act involved contact with another person.	
How will Brian's aunt argue that Brian's act involved contact with another person?	How will Brian's aunt argue that Brian's act involved contact with another person?
Which evidence is stronger? Why?	

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

How will Brian's aunt argue that Brian's act was harmful or offensive?

How will Brian's aunt argue that Brian's act was harmful or offensive?

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?

Which Evidence is stronger? Why?

**thinkBigPicture**

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

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

Do you think Brian is liable for battery?

☐ Yes

☐ No

**NEW FACTS:** Write down the most interesting or weird information you learn from the new facts.

Do these new facts hurt or help Brian's case? Why?

Does this change your mind about whether Brian is responsible? Why or why not?

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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)

On a busy sidewalk in New York City, 4-year-old Juliet and her 5-year-old friend Jacob raced their bikes. 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.

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

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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).

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