
TABLE OF CONTENTS

<i>Preface to the Third Edition</i>	<i>xvii</i>
<i>Preface to the First Edition</i>	<i>xix</i>
<i>Acknowledgments</i>	<i>xxiii</i>
<i>Introduction</i>	<i>xxvii</i>

Chapter 1.	Intentional Torts: The <i>Prima Facie</i> Case	1
Section A.	Battery	1
	1. Intent and Volition	1
	<i>Vosburg v. Putney</i>	1
	2. Minimum Requirements	11
	3. Consent and Its Limits	14
	<i>Mohr v. Williams</i>	14
Section B.	Trespass	26
	<i>Desnick v. American Broadcasting Companies, Inc.</i>	26
Section C.	Conversion	37
Section D.	False Imprisonment	50
	Restatement (Second) of Torts	50
Section E.	Assault	59
	Restatement (Second) of Torts	60

Section F.	Outrage	64
	Daniel J. Givelber, <i>The Right to Minimum Social Decency and the Limits of Evenhandedness: Intentional Infliction of Emotional Distress by Outrageous Conduct</i>	66
Chapter 2.	Intentional Torts: Privileges	79
Section A.	Defense of Person and Property	79
	<i>Katko v. Briney</i>	79
Section B.	Private Necessity	89
	<i>Ploof v. Putnam</i>	89
	<i>Vincent v. Lake Erie Transportation Co.</i>	91
Section C.	Public Necessity	97
Section D.	Discipline	101
Chapter 3.	The Negligence Standard	111
Section A.	The Reasonable Person	112
	Restatement (Second) of Torts (1965)	112
1.	Mental Ability and Mental States	112
	<i>Williams v. Hays</i>	112
2.	Physical Infirmities	122
3.	Age	123
	<i>Purtle v. Shelton</i>	123
Section B.	Risks and Precautions	128
	<i>United States v. Carroll Towing Co.</i>	128
Section C.	Custom and the Problem of Medical Malpractice	146
	<i>The T.J. Hooper</i>	146
Section D.	Negligence Per Se: Criminal Statutes and Judge-Made Rules	156
1.	Violations of Criminal Statutes	157
	<i>Martin v. Herzog</i>	157
2.	Judge-Made Rules	168
	Oliver Wendell Holmes, Jr., <i>The Common Law</i>	168
Section E.	Res Ipsa Loquitur	174
	<i>Byrne v. Boadle</i>	174
	<i>Judson v. Giant Powder Co.</i>	182
	<i>Ybarra v. Spangard</i>	188
Chapter 4.	Duties and Limitations	195
Section A.	Duties Arising from Affirmative Acts	195
	<i>Yania v. Bigan</i>	197
Section B.	Duties Arising from Undertakings	205
	<i>Hurley v. Eddingfield</i>	205

Section C.	Special Relationships	211
	1. Duties to Rescue or Assist Others	211
	2. Duties to Protect Others from Third Parties	216
	Restatement (Second) of Torts (1965)	217
	<i>Tarasoff v. Regents of the University of California</i>	217
	3. The Public Duty Doctrine	225
Section D.	Duties Arising from the Occupation of Land	228
	1. Duties to Trespassers	228
	2. Duties to Licensees	233
	3. Duties to Invitees	235
Section E.	The Privity Limitation	243
	<i>H. R. Moch Co. v. Rensselaer Water Co.</i>	243
Section F.	Pure Economic Losses	250
	<i>Robins Dry Dock & Repair Co. v. Flint</i>	250
Section G.	The Negligent Infliction of Emotional Distress	259
	<i>Robb v. Pennsylvania Railroad Co.</i>	260
Chapter 5.	Cause in Fact	271
Section A.	But-for Causation	272
	<i>New York Central Railroad v. Grimstad</i>	272
	<i>Herskovits v. Group Health Cooperative of Puget Sound</i>	278
Section B.	Alternative Liability	290
	<i>Summers v. Tice</i>	290
	<i>Sindell v. Abbott Laboratories</i>	294
Section C.	A Note on Apportionment	300
	1. The Decline of Joint and Several Liability	301
	2. Contribution	302
	3. Complications	302
Chapter 6.	Proximate Causation (Scope of Liability)	305
Section A.	Remoteness and Foreseeability	305
	In re Polemis	305
	<i>Overseas Tankship (U.K.) Ltd. v. Morts Dock & Engineering Co., Ltd. [The Wagon Mound (No. 1)]</i>	306
Section B.	Intervening Causes	318
	<i>Brauer v. New York Central & H.R.R. Co.</i>	318
Section C.	Limitation of Duty: An Alternative Approach?	328
	<i>Palsgraf v. Long Island Railroad Co.</i>	328

Chapter 7.	Strict Liability	343
Section A.	Liability for Animals	344
	<i>Behrens v. Bertram Mills Circus, Ltd.</i>	344
Section B.	Rylands v. Fletcher	353
	<i>Rylands v. Fletcher</i>	353
Section C.	Abnormally Dangerous Activities	361
	Restatement (Second) of Torts (1965)	362
	<i>Indiana Harbor Belt Railroad Co. v. American Cyanamid Co.</i>	363
Section D.	Respondeat Superior	372
	<i>Ira S. Bushey & Sons v. United States</i>	373
Chapter 8.	Products Liability	385
Section A.	Historical Development	385
	<i>MacPherson v. Buick Motor Co.</i>	385
	<i>Escola v. Coca Cola Bottling Co.</i>	391
	<i>Greenman v. Yuba Power Products, Inc.</i>	395
Section B.	Manufacturing Defects	400
	Restatement Third, Torts: Products Liability (1997)	400
	<i>Welge v. Planters Lifesavers Co.</i>	401
Section C.	Design Defects	412
	Restatement Third, Torts: Products Liability (1997)	412
	<i>Dawson v. Chrysler Corp.</i>	414
Section D.	Failure to Warn	424
	<i>American Tobacco Co. v. Grinnell</i>	424
	<i>McMahon v. Bunn-O-Matic Corp.</i>	438
Chapter 9.	Damages	443
Section A.	Compensatory Damages	443
	1. Damage to Property	443
	<i>United States v. Hatahley</i>	443
	2. Lost Earnings	451
	3. Pain and Suffering; Emotional Distress; Hedonic Damages	462
Section B.	Punitive Damages	475
	<i>Murphy v. Hobbs</i>	475
	<i>Kemezy v. Peters</i>	478
	Cass R. Sunstein, How Law Constructs Preferences	489

Chapter 10.	Defenses	493
Section A.	Contributory and Comparative Negligence	493
	<i>McIntyre v. Balentine</i>	499
Section B.	Express Assumption of Risk	508
Section C.	Primary Assumption of the Risk	515
	<i>Murphy v. Steeplechase Amusement Co.</i>	515
Section D.	Secondary Assumption of the Risk and the Rise of Comparative Fault	523
	<i>Marshall v. Ranne</i>	524
<i>Table of Cases</i>		531
<i>Index</i>		537