

CAUSES OF ACTION

ACTIONS @ COMMON LAW
as Amended by Statutes

TORTS

INTENTIONAL - ASSAULT, BATTERY, TRESPASS, CONVERSION

UNINTENTIONAL TORTS → NEGLIGENCE → FAILURE TO USE PROPER CARE
 MAY INCLUDE → PERS. INJURY, WRONGFUL DEATH, MALPRACTICE, PRODUCT LIABILITY

STRICT LIABILITY → HIGHER STD. OF CARE (INHERENT DANGER) (Blasting) (INTRUSION BY LIVESTOCK) (OWNERSHIP of WILD ANIMALS)

4 Elements of NEGLIGENCE

① Δ OWED Π A DUTY OF CARE

SPECIFIC
→ OR
GENERAL

② Δ FAILED TO ADHERE TO THAT DUTY

③ Π SUFFERED AN INJURY

④ ~~CONNECTION~~ INJURY WAS A PROXIMATE CAUSE ← FORESEEABLE CONSEQUENCE OF Δ'S CONDUCT

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- CONTRACT ACTIONS
 - ~ MUST PROVE EXISTENCE OF K
 - CAPACITY OF PARTIES
 - MEETING OF MINDS
-

REMEDIES AT LAW

① MONEY DAMAGES

- COMPENSATORY
 - SPECIFIC/SPECIAL e.g. lost wages, medical costs
 - General
Pain & suffering, * Lack of Consent

- PUNITIVE DAMAGES
(sometimes nominal compensatory + significant Punitive)

② RESTORATION OF POSSESSION OF PROPERTY

③ DECLARATION OF RIGHTS & RESPONSIBILITIES

EQUITABLE REMEDIES

- ① INJUNCTION - (usually TPO comes first) →
- ② SPECIFIC PERFORMANCE → USUALLY K for sale of property
- ③ REFORMATION → rewrite the K
- ④ RESCISSION → VOID THE K