

# TORTS

“The American Recipe”

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- Seattle, Washington, USA

# DEFAMATION AFTER *N.Y. v. SULLIVAN*, (U.S. 1964)

PL "PUBLIC OFFICIAL" MUST PROVE:

1. D ACTED WITH "MALICE"

2. BY "CLEAR & CONVINCING EVIDENCE."

- "PUBLIC OFFICIAL" = ONE WHOSE GOVERNMENT ROLE IS OF SUCH IMPORTANCE THAT THE PUBLIC HAS AN INDEPENDENT INTEREST IN HIS OR HER FITNESS FOR OFFICE
- "MALICE" = D KNEW OF FALSITY OR RECKLESS DISREGARD OF TRUTH

EXPANDED TO "PUBLIC FIGURE" IN *Curtis Publishing Co. v. Butts*, (U.S. 1967)

"PUBLIC FIGURE" =

- "ALL PURPOSE PUBLIC FIGURE" IS ONE WHO HAS A CONTINUOUS AND POWERFUL INFLUENCE ON PUBLIC MATTERS
- "LIMITED PURPOSE PUBLIC FIGURE" IS ONE WHO VOLUNTARILY

THRUSTS HIMSELF OR HERSELF INTO A PARTICULAR PUBLIC CONTROVERSY

# INVASION OF PRIVACY

1. INTRUSION UPON SECLUSION
2. APPROPRIATION OF PL'S NAME OR PICTURE
3. PLACING PL IN A FALSE LIGHT BEFORE PUBLIC
4. PUBLIC DISCLOSURE OF PRIVATE FACTS

# INTRUSION ON SECLUSION

## RESTATEMENT 2d TORTS § 652B

“One who intentionally intrudes, physically or otherwise, upon the solitude or seclusion of another or his private affairs or concerns, is subject to liability to the other for invasion of his privacy, if the intrusion would be highly offensive to a reasonable person.”

# APPROPRIATION OF NAME OR LIKENESS RESTATEMENT 2d TORTS § 652C

“One who appropriates to his own use or benefit the name or likeness of another is subject to liability to the other for invasion of his privacy.”

Also Related “Right of Publicity.”

# PUBLICITY PLACING PERSON IN FALSE LIGHT

## RESTATEMENT 2d TORTS § 652E

“One who gives publicity to a matter concerning another that places the other before the public in a false light is subject to liability to the other for invasion of his privacy, if

(a) the false light in which the other was placed would be highly offensive to a reasonable person, and

(b) the actor had knowledge of or acted in reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed.”

# PUBLICITY GIVEN TO PRIVATE LIFE

## RESTATEMENT 2d TORTS § 652D

“One who gives publicity to a matter concerning the private life of another is subject to liability to the other for invasion of his privacy, if the matter publicized is of a kind that:

(a) would be highly offensive to a reasonable person, and

(a) is not of legitimate concern to the public.”

# DAMAGES IN TORT

1. NOMINAL DAMAGES
2. COMPENSATORY DAMAGES
  1. SPECIAL (Subject to "Present Value" Deduction)
  2. GENERAL
3. PUNITIVE DAMAGES

MITIGATION OF DAMAGES  
SEAT BELTS AND HELMETS?

COLLATERAL SOURCE RULE