

## **Case brief**

Parties: Vosburg – plaintiff vs. Putney – defendant

Facts: Vosburg had injured his leg just below the knee. Despite he was going to school. A few days later his classmate Putney kicked him directly to the wound. He later felt pain in the leg and he had to undergo surgery. During 2<sup>nd</sup> surgery doctor discovered that the injury is incurable. Vosburg brought tort claims against Putney for assault and battery.

Issue: Can a defendant be liable for damages arising from unforeseen injuries?

Procedural history: The trial court awarded him \$2800. Putney appealed and court of appeal reversed for error in testimony and remanded with an order for a new trial. A new judgment was entered for Vosburg for \$2500.

Reasoning of the court: The intention to do harm is the essence of the wrongful act. The wrongdoer is liable for all injuries resulting directly from the wrongful act whether or not they were foreseeable.