

Paavo v. Darielle
Out-of-Class Exam Writing Exercise

INSTRUCTIONS: Compose an exam-style response to the question below. Aim for simple, functional writing. Keep it concise. Steer away from creativity and fancy language. Feel free to mimic the style, format, structure, and words of the answers we composed/reviewed for the in-class exercise regarding battery and assault with *Gerald v. Stephen*. In fact, I encourage you to do so. **All the law you need to answer the question is below**, and this exercise will work best if you stick to just this law.

You are permitted to use no more than 100 words to answer the question. This is an absolute limit. Responses over 100 words (or over one page) will be turned back to you with no comments. If you can use fewer than 100 words, that is even better. In fact, 100 words is overkill. When I tried it, my response was 77 words – even without trying to cut it down. Note that **you must use the template**, which is posted along with this document on the class webpage.

This assignment is ungraded. But you should try your best anyway, because doing so will give you the best practice for the exam and will allow me to give you the most helpful feedback.

This assignment is due to be turned in on Tuesday, November 15, 2016 to Karen Martin in 220. Karen leaves at 4:30 p.m., so as a courtesy, I would ask you to give it to her before 4:00, or by 4:15 at the latest. Alternatively, you can turn it into me in-class on Monday, November 14. (And why not do it a day early? It won't take that long anyway.)

FACTS: Darielle employed Paavo as a production assistant for her small video production company in San Frangeles. One day, Darielle was very angry at Paavo for showing up to work an hour late. To teach him a lesson, she told him he would have to stay late after work. He resisted, saying he had to drive home to his sick wife, and that if he didn't leave within 10 minutes to beat the traffic, it would take him an hour and a half to drive home instead of 45 minutes. Darielle responded by taking Paavo's car keys and locking them inside a safe in her office. "Now you can't go anywhere," Darielle snarled.

Paavo cried quietly. Then, after only five minutes had passed, Darielle took the keys out of the safe and gave them to Paavo. "I'm going to let you off easy this time," Darielle said, "But don't ever be late again."

QUESTION: Evaluate whether Paavo has a claim for false imprisonment.

LAW¹: A plaintiff can establish a **prima facie case of false imprisonment** by showing the defendant (1) intentionally (2) confined the plaintiff, and that the plaintiff (3) was aware of the confinement.

The intent required for false imprisonment is the intent to confine.

To be confined for the purpose of false imprisonment, the plaintiff must be restricted to some **closed, bounded area for some appreciable amount of time**.

There is **no minimum amount of time** for a valid confinement. Typically, courts will say that the confinement need only be for an “appreciable time.”

In a false imprisonment case, the confinement can be accomplished by a number of means. The most straightforward is by **physical barriers**, such as with walls or fences.

The barriers, force, or threat need not be directed at persons, but can also be aimed at the plaintiff’s property. A plaintiff who is “free” to walk away only by surrendering chattels is not free at all under the eyes of false-imprisonment law.

¹ This text has been copied from the casebook.