

TORTS REMEDIES

		HARM / TAKING OF PROPERTY			HARM TO PERSONAL INTERESTS		
GENERALLY		MONEY	CHATELS	REALTY	PERSONAL	DIGNITARY	ECONOMIC
		Conversion Unjust Enrichment	Trespass to Chattels Conversion	Trespass Nuisance Waste Encroachment Interference or Destruction	False Imprisonment Assault IIED Battery Negligence	Defamation & Invasion of Privacy	Fraud Business Torts Misuse of Legal Process
LEGAL	Money Damages Compensatory General & Special 1. Causal 2. Foreseeable 3. Certain 4. Unavoidable Punitive Willful, wanton, malicious Nominal: No actual injury	Damages To recover her damages in a suit for conversion, n must show that identifiable money was taken.	Damages Interference Lost value or repair cost + loss of use Destruction Value at time, less salvage, plus interest Dispossession Conversion damages Forced sale; Malice: puni	Damages General measure: lost value Trespass Simple: Nominal: No injury. Trespass + severance: lost value or conversion measure Trespass + damage: cost of repair or removal, or rent value Ouster: Mesne damages. Encroachment: Continuing: rental value. Perm: sale value.	Damages Compensatory General: Non-economic: Pain & suffering, loss of enjoyment of life, anguish. Special: Economic: Med. expenses, lost earnings. Future loss still lump sum. Dead n: Survival statutes for heirs, or wrongful death.	Damages Public figure: Must prove malice, then presumed. (Punis OK) Priv person/ pub concern: must prove neglig. Actual req'd. Priv/priv: No fault necess. Presumed damages. Punis avail. Invasion: Emotional anguish. No spec. req.	Damages Fraud: Actual damages required. Conseq. OK & punis w/ malice. May get benefit of bargain meas. Business Torts: Inducing breach: damage proximately caused. Interference w/ advan: Probably too speculative. Trade libel: Spec. req'd. Misuse: Actual req'd.
	Replevin & Ejectment Legal remedies for actual repossession Quasi-Contract If tort gave Δ benefit Restitution money	Quasi-K If Δ unjustly enriched by misappropriation of n's money	Self-Help Reasonable force to recapture chattel Replevin Quasi-K	Ejectment Legal remedy for ouster; Coupled w/ mesne damages Quasi-Contract Severance: value as severed, or if Δ willful, improved value	Not available. No benefit to defendant.	Not available. No benefit to defendant.	Fraud: Rescission & Restitution (see contracts) Inducing breach: Restitution is rarely used. Interference w/ advan: Benefit def. obtained.
	Constructive Trust Δ must reconvey title Equitable Lien Lien on Δ's Property	Constructive Trust If specific \$ traceable Equitable Lien If funds commingled or \$ not source of title	Constructive Trust If thief obtains title & sells property Equitable Lien If thief uses proceeds to improve her prop.	Generally not applicable because Δ does not have title	Not available. No benefit to defendant.	Not available. No benefit to defendant.	Fraud: Constructive trust may be imposed on property gained by fraud.
	Injunctive Relief Permanent, Temp., TRO Legal remedy inadequate 1. Speculative damages 2. Multiple suits danger 3. Irreparable injury 4. Prospective tort 5. Replevin or Ejectment difficult to enforce Balance the hardships Equitable defenses apply	Generally not applicable. Equitable restitutionary remedies cover it.	Mandatory Injunction If chattel unique so damages & replevin are inadequate	Injunctive Relief Trespass Simple: To avoid multip. suits. Severance: OK: Land unique. Damage: Δ must repair Ouster: NO: Ejectment adeq. Encroachment: Land unique, damages inadeq., ejectment impract. Willful = no balance Nuisance: \$ inadeq. May not balance hardships if intentional Waste: OK to stop voluntary.	Rarely sought. Injury has already occurred.	Defamation Rare,, as it would be prior restraint of free speech. However, declaratory relief may be the best protection of the interest involved. Invasion of Privacy Effective for continuing wrong. Damages inadeq: speculative & repetition.	Rare.
EQUITABLE	RESTITUTIONARY						