

Read the following case prior to the "Reading Like a Lawyer" session. Assume it was assigned by your Torts professor. How would you summarize the facts? What rule of law does the court apply?

East vs. West

83 Wis.2d 768, 266 N.W.2d 391 (Wis.1978)

Shapo, J.

Carol West appeals from a judgment that she falsely imprisoned the three plaintiffs.

The plaintiffs were comparing voter registration lists with names on mailboxes in multi-unit dwellings. They intended to challenge the registration of people whose names were not on the mailboxes. Plaintiffs testified that they entered West's house through the outer door into a vestibule area which lies between the inner and outer doors to West's building. They were checking the names on the mailboxes when West entered and asked what they were doing. They replied that they were checking the voter lists. She first told them to leave and then changed her mind and asked if they would be willing to identify themselves to the police. Plaintiffs said they would. West then asked her husband to call the police. While they waited, she stood by the door, but neither threatened nor intimidated the plaintiffs. In addition, the plaintiffs did not try to get her to move out of the way. When the police came, they said the plaintiffs were not doing anything wrong and could continue to check the lists. Plaintiffs later sued West for false imprisonment.

An actor is liable for false imprisonment if he acts intending to confine the other or a third person within boundaries fixed by the actor; if his act directly or indirectly results in such a confinement of the other; and if the other is conscious of the confinement or is harmed by it.

The evidence here is not sufficient to support the conclusion that West's acts directly or indirectly resulted in the plaintiffs' confinement. Confinement may be brought about by actual physical barriers, by submission to physical force, or by threat of physical force. The question in this case is whether confinement was brought about by threat of physical force. We think it was not. Plaintiffs acknowledge that West did not verbally threaten them. Since none of the plaintiffs asked her to step aside, they could no more than speculate whether she would have refused their request, much less physically resisted. Moreover, the three of them are claiming confinement by a single person. Accordingly, the judgment below is reversed.

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| 4  | The plaintiffs were comparing voter registration lists with names on mailboxes in multiunit dwellings. They intended to challenge the registration of people whose names were not on the mailboxes.   |
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| 7  | West then asked her husband to call the police. While they waited, she stood by the door, but neither threatened nor intimidated the plaintiffs. In addition, the plaintiffs did not try to get her to move out of the way.   |
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| 11 | The evidence here is not sufficient to support the conclusion that West's acts directly or indirectly resulted in the plaintiffs' confinement.  |
| 12 | Confinement may be brought about by actual physical barriers, by submission to physical force, or by threat of physical force.  |
| 13 | The question in this case is whether confinement was brought about by threat of physical force.   |
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| 15 | Plaintiffs acknowledge that West did not verbally threaten them. Since none of the plaintiffs asked her to step aside, they could no more than speculate whether she would have refused their request, much less physically resisted.   |
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