

## **CV1710 Battery.**

[Name of plaintiff] claims that [name of defendant] committed a battery against [him or her]. To succeed on this claim, [name of plaintiff] must prove the following:

1. [name of defendant] acted intending to:
  - a. make physical contact with [name of plaintiff] or another person; or
  - b. put [name of plaintiff] in fear of an immediate physical contact;
- and
2. contact with [name of plaintiff] was the direct or indirect result; and
3. the contact was harmful or offensive.

## **References**

*Wagner v. Utah Dep't of Human Servs.*, 2005 UT 54.

*Erickson v. Canyons Sch. Dist.*, 2020 UT App 91.

*Reynolds v. MacFarlane*, 2014 UT App 57.

*D.D.Z. v. Molerway Freight Lines, Inc.*, 880 P.2d 1, 3 (Utah Ct. App. 1994), overruled on other grounds in *Stephens v. Bonneville Travel, Inc.*, 935 P.2d 518 (Utah 1997).

Restatement (Second) of Torts § 13 (1965).

## **Committee Notes**

For the definition of harmful or offensive physical contact, *see* CV1702.