EXAMPLE CASE BRIEF

1. Title: England v. S&M Foods, Inc., (La.Ct.App. 1987). Judgment at trial for England; Defendants appeal.
2. Facts: England was employed at a Dairy Queen Restaurant owned by S&M Foods, Inc. The restaurant manager, Garley, used profane language, looked straight at England and threw a hamburger which hit her on the leg. Another employee, Rash, testified that she did not see Garley throw the hamburger but that it did hit the floor and splatter mayonnaise and mustard on her and England.
3. Issue: Did Garley have the requisite intent for battery?
4. Rule: A defendant has acted with intent if he or she either desired to bring about the physical results of his or her act or believed they were substantially certain to result from his or her actions.
5. Analysis: Garley threw a hamburger in England's direction either hitting her directly on

the leg (her testimony) or indirectly (splattering her with mayonnaise and mustard). He therefore acted with substantial certainty that offensive touching of plaintiff would occur.

6. Conclusion: Judgment affirmed; the contact was a battery due to sufficient intent.