

## **False Imprisonment**

### **§ 35: False Imprisonment**

- (1) An actor is subject to liability to another for false imprisonment if:
  - (a) he acts intending to confine the other or a third person within boundaries fixed by the actor, and
  - (b) his act directly or indirectly results in such a confinement of the other, and
  - (c) the other is conscious of the confinement or is harmed by it.

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### **§ 36: What Constitutes Confinement**

- (1) To make the actor liable for false imprisonment, the other's confinement within the boundaries fixed by the actor must be complete.
- (2) The confinement is complete although there is a reasonable means of escape, unless the other knows of it.
- (3) The actor does not become liable for false imprisonment by intentionally preventing another from going in a particular direction in which he has a right or privilege to go.

## **Trespass to Chattels**

### **§ 217: Ways of Committing Trespass to Chattels**

A trespass to a chattel may be committed by intentionally

- (a) dispossessing another of the chattel, or
- (b) using or intermeddling with a chattel in the possession of another.

### **§ 218: Liability to Person in Possession**

One who commits a trespass to a chattel is subject to liability to the possessor of the chattel if, but only if:

- (a) he dispossesses the other of the chattel, or
- (b) the chattel is impaired as to its condition, quality, or value, or
- (c) the possessor is deprived of the use of the chattel for a substantial time, or
- (d) bodily harm is caused to the possessor, or harm is caused to some person or thing in which the possessor has a legally protected interest.

## Conversion

### § 222A: What Constitutes Conversion

- (1) Conversion is an intentional exercise of dominion or control over a chattel which so seriously interferes with the right of another to control it that the actor may justly be required to pay the other the full value of the chattel.
- (2) In determining the seriousness of the interference and the justice of requiring the actor to pay the full value, the following factors are important:
  - (a) the extent and duration of the actor's exercise of dominion or control;
  - (b) the actor's intent to assert a right in fact inconsistent with the other's right of control;
  - (c) the actor's good faith;
  - (d) the extent and duration of the resulting interference with the other's right of control;
  - (e) the harm done to the chattel;
  - (f) the inconvenience and expense caused to the other.

The Restatement's definition of conversion was adopted by the Oregon Supreme Court in *Mustola v. Toddy*, 456 P.2d 1004 (Or. 1969) (but also stating that the Restatement factors were not exclusive). Not long after, the Supreme Court wondered aloud, but did not decide, whether "good faith" should be a factor to consider. *Remington v. Landolt*, 541 P.2d 472 (Or. 1975).