

Miller v. Trapp

A step by step walk-through of your MPT method

The task: you work for **Stuart, Parks & Howard** for client **Katie Miller**, whom the rock star **Steve Trapp** threatened and then injured backstage. You write **two documents**: a persuasive demand letter to Trapp's lawyer, and a brief damages memo to your partner.

THE TWO WORK PRODUCTS

1 Demand letter to Attorney Leffler (for the partner's signature): persuasively establish assault and battery, and eligibility for compensatory and punitive damages. Follow the firm's 7-part format. Leave the dollar amounts blank.

2 Brief memo to the partner: recommend specific dollar amounts for each category, with the reasoning, using the Library cases and the jury-verdict summaries.

The key + format: two intentional-tort claims, then a damages ladder. The demand letter is **persuasive** and cites the three Library cases (*Horton, Polk, Brown*); the memo is **objective** and adds the jury verdicts to size the numbers. Do NOT cite the verdict summaries in the letter.

YOUR METHOD The six moves, applied to this file

Structure first, rules second, facts last, matched to the rules, then write both documents.

- 1 Read the task memo twice:** two documents, two claims (assault + battery), and two damage buckets (compensatory + punitive).
- 2 Work the Library and pull the rules:** Horton (battery + compensatory), Polk (battery-by-object + punitive), Brown (assault). Tag each with a color.
- 3 Anchor your client and matter:** Katie Miller, threatened and injured by Trapp backstage; a dislocated shoulder and a smashed phone.
- 4 Jot the case parties:** the losing/analogized party is your yardstick (Horton, Polk, Brown; then Little, Cook, Alma from the verdicts).
- 5 Work the File and match facts to each rule:** the blog, the Reeling Rock article, and Leffler's memo supply facts and the defenses to rebut.
- 6 Outline, then write:** the demand letter (7 parts, claim by claim), then the damages memo (category by category).

STEP 1 Read the task memo twice for the structure

Two documents, and each has a clear spine. Lock this first:

WHO YOU ARE associate at Stuart, Parks & Howard, for plaintiff Katie Miller.

DOC 1 demand letter to Saul Leffler (Trapp's lawyer), for Timothy Howard's signature; persuasive; amounts left blank.

DOC 2 brief memo to Howard; objective; specific dollar amounts + reasoning for each damage category.

CLAIMS (1) assault and (2) battery; then (3) compensatory and (4) punitive damages.

STEP 2 Work the Library: pull the rules

Three cases, each doing specific work. Read for the black letter, then color-tag; reuse the colors in Step 5.

The authorities

- › **Brown v. Orr** (Fr. Ct. App. 2000): assault = intending a battery OR imminent apprehension + a well-founded apprehension of an imminent battery. Words alone are not enough, but words + acts can be (Holmes v. Nash).
- › **Horton v. Suzuki** (Fr. Ct. App. 2009): battery = intending contact + a harmful/offensive contact results; intend the CONTACT, not the harm; consent defeats it. Also: compensatory = medical, lost wages, pain & suffering.
- › **Polk v. Eugene** (Fr. Sup. Ct. 2004): contact with an object connected to the body (a plate, a phone) is a battery; mental suffering needs no physical injury; punitive = outrageous conduct, evil motive / reckless disregard; Campbell single-digit ratio.
- › **Jury-verdict summaries (File)**: *Little, Cook, Alma* give the numbers to size pain-and-suffering and punitive damages. Memo only, not the letter.

STEP 3 Anchor your client and jot the parties

YOUR CLIENT Katie Miller, college reporter/blogger; a devoted Trapp fan waiting backstage for an interview.

WHAT HAPPENED Trapp threatened her, raised his arm, then grabbed her phone and dislocated her shoulder.

HER HARM \$5,000 medical, \$100 lost wages, \$500 phone, plus pain and suffering (4 hours of 'unbelievable' pain).

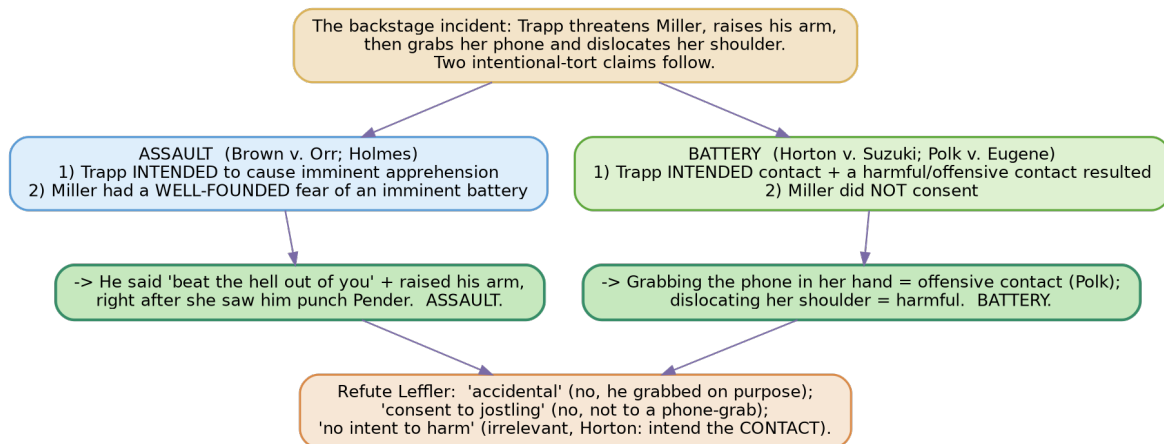
THE YARDSTICKS Horton (struck, \$6k P&S), Polk (plate grabbed, punitive), Brown (finger + threat = assault); Little/Cook/Alma for amounts.

STEP 4 Two claims, then two damage buckets

Build each claim as its own IRAC, then rebut Leffler. The intent point is the hinge: **Trapp only had to intend the contact, not the harm** (Horton).

- › **ASSAULT**: he threatened to 'beat the hell out of' Miller and raised his arm, right after she watched him punch Pender. → well-founded fear.
- › **BATTERY**: he grabbed the phone from her hand (an object connected to her person, Polk) and dislocated her shoulder. → harmful + offensive contact.

- › **CONSENT**: attending a concert is not consent to a **forceful phone-grab**; her being upset proves the lack of consent.



Two intentional-tort claims from one backstage incident; Leffler's three defenses all fail.

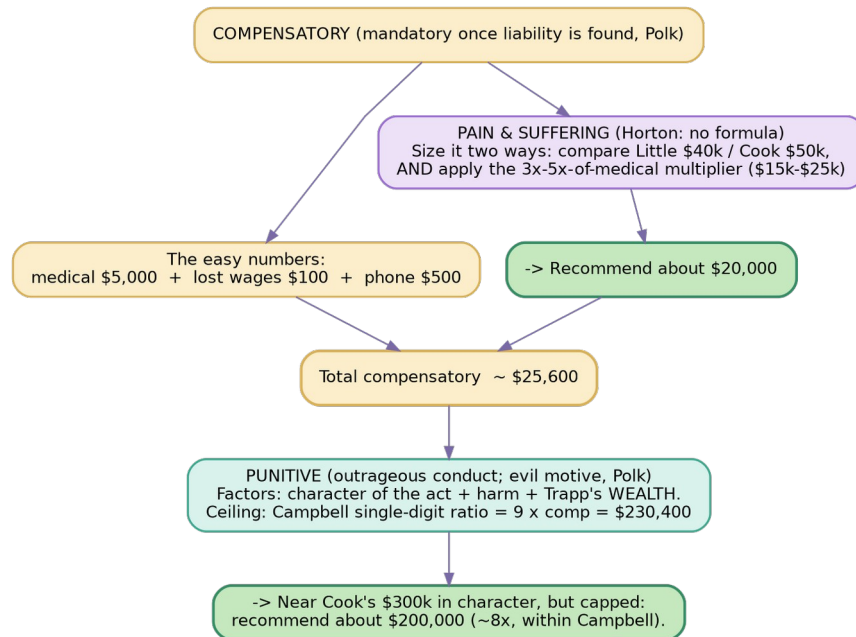
STEP 5 Match law to Miller's argument

Snap each claim and damage category to the governing law and the facts. Same color = one thread.

assault
battery
intent / motive
consent
Leffler's defenses
compensatory
punitive

comparator cases

CLAIM / CATEGORY + GOVERNING LAW (LIBRARY)	THE ARGUMENT FOR MILLER (THE FACTS)
Assault (<i>Brown v. Orr</i>): intend an imminent apprehension + a well-founded fear; words + acts count.	Trapp threatened to 'beat the hell out of' Miller and raised his arm; she had just seen him punch Pender and shove journalists. Analogize <i>Brown / Holmes</i>.
Battery (<i>Horton; Polk</i>): intend the contact, harmful/offensive result; object-contact counts.	He grabbed the phone in her hand (Polk: object = part of the person) and dislocated her shoulder. She did not consent.
Refute Leffler: 'accidental', 'consent to jostling', 'no intent to harm'.	He grabbed on purpose; a concert is not consent to a phone-grab; and intent to harm is irrelevant (<i>Horton</i>).
Compensatory (<i>Horton; Polk</i>): mandatory once liable; medical, wages, phone, pain & suffering.	\$5,000 + \$100 + \$500 are fixed; size pain & suffering against Little \$40k / Cook \$50k and the 3x-5x-of-medical ratio.
Punitive (<i>Polk</i>): outrageous, evil motive; factors = act + harm + wealth; Campbell caps at 9x.	Trapp's threats + rampage = evil motive; his wealth (Xanadu home, award-winning album) lifts it. Compare Cook \$300k, capped by Campbell.



The damages ladder: fix the easy numbers, size pain-and-suffering two ways, then set punitive near Cook but under the Campbell 9x ceiling.

STEP 6 Outline, then write both documents

The **demand letter** follows the firm's seven parts; the **damages memo** goes category by category with numbers.

LETTER, THE 7 PARTS (1) we represent Miller; (2) purpose; (3) persuasive facts; (4) the claims analysis (assault, battery, damages, rebutting Leffler); (5) blank demand; (6) deadline (1-2 weeks); (7) consequences of not complying.

MEMO, THE NUMBERS Medical \$5,000; wages \$100; phone \$500; pain & suffering ~\$20,000; total comp ~\$25,600; punitive ~\$200,000 (near Cook, within Campbell's 9x = \$230,400).

REMEMBER Cite the three cases in the letter; add the jury verdicts only in the memo. Show your P&S math both ways (comparators + multiplier).

BEFORE YOU HAND IT IN Point-losers on this file

- › Arguing Trapp **intended to harm**. Wrong test: *Horton* needs only intent to make the **contact**.
- › Forgetting the **object-contact** rule. *Polk* makes grabbing the phone in her hand a battery even without touching her body.
- › Not **rebutting Leffler's three defenses** (accidental, consent, no intent to harm) inside the letter.
- › Putting the **jury verdicts in the demand letter**. The partner said not to; they belong only in the memo.
- › Giving a P&S number with no method. Show **both** the comparator cases and the **3x-5x multiplier**.
- › Ignoring the **Campbell 9x ceiling** on punitive damages, or omitting Trapp's **wealth** as a factor.

