

Trespass to Chattels and Related Doctrines

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Rsmts Trespass to Chattels

- ◆ Intentional use of or intermeddling with chattel
 - Intermeddling = intentionally causing physical contact
- ◆ Plaintiff [suffered damage] because
 - dispossessed of chattel
 - chattel's condition, quality or value was impaired
 - deprived of chattel's use for substantial time period, or
 - suffered bodily harm or harm to some person or thing in which plaintiff has legally protected interest

18 U.S.C. §1030 (CFAA)

- ◆ (a)(5)(A)(i): knowingly transmitting program/info/code/command and intentionally damaging protected computer without authorization
- ◆ (a)(5)(A)(ii) and (iii): intentionally accessing protected computer without authorization and [recklessly] causing damage...
 - (a)(5)(B): ...and causes loss of \$5k/yr, [medical harm], physical injury, threat to public health/safety, damage to government computer
- ◆ Definitions
 - "Damage" = impairment to integrity/availability of data, program, system or information
 - "Loss" = reasonable costs, including remediation costs and costs/lost revenues from service interruption
 - "Protected computer" = any computer connected to the Internet
- ◆ (g): Anyone suffering damage/loss can bring civil action...only if (a)(5)(B) satisfied

Cal. Penal Code §502(c)

- ◆ (c) Knowingly and without permission...
 - (2) accesses and takes, copies, or makes use of data from computer system/network
 - (3) uses computer services
 - (7) accesses any computer system/network
- ◆ (e)(1): Owner who suffers damage or loss can bring civil action
 - Damages include verification expenses
 - Owner can get attorneys' fees