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# THE AMERICAN LAW OF TORTS

We enclose your **2025 update to THE AMERICAN LAW OF TORTS**, today's most authoritative multi-volume treatise on the substantive law of torts. The **2025 supplements** cover hundreds of new decisions reflecting ongoing developments in this dynamic field of law. Please note that, for ease of handling, the materials in this shipment may ship in more than one box.

## Filing Instructions

**REMOVE and RECYCLE** the 2024 Supplement pamphlets at the rear of each volume and the 2024 General Index/Table of Cases soft-cover pamphlets.

**PLACE** your **new 2025 pocket parts** at the rear of their respective volumes for Volumes 1-4 and 6-11. There are no supplements to Revised Volumes 4A & 5, which you recently received.

**PLACE** your new **2025 General Index/Table of Cases** soft-cover pamphlets next to Volume 11.

## Highlights

**Among the many new developments and changes in tort law discussed in your 2025 supplements are the following:**

**§ 5:23.10 Competitor's privilege [NEW]:** The competitor's privilege defense is a special application of the justification defense and can be asserted in conjunction with a justification affirmative defense to a claim of tortious interference with a business or contractual relationship. *Ex parte BTC Wholesale Distributors, Inc.*, 2023 WL 8658842 (Ala. 2023).

**§ 10:8.10 Statutory considerations [NEW]:** The Illinois Domestic Violence Act subjects law enforcement officers to liability when they have engaged in willful and wanton misconduct in breach of the statutory duty to the victim of domestic violence. In other words, the legislature intended that officers are not to be held civilly liable for mere negligence in the good-faith performance of their duties. *Davis v. Village of Maywood*, 2023 IL App (1st) 211373, 476 Ill. Dec. 151, 240 N.E.3d 59 (App. Ct. 1st Dist. 2023).

**§ 13:7.10 Procedure [NEW]:** Under Tennessee law, the rule of civil procedure requiring the assertion of the affirmative defense of comparative fault in a responsive pleading does not require the defendants to allege the fault of a nonparty explicitly or use the words "comparative fault," as it does not require precise language. *Crotty v. Flora*, 676 S.W.3d 589 (Tenn. 2023).

**§ 14:23.10 Texas common conditions doctrine [NEW]:** Under the Texas "common conditions doctrine" the standalone fact that a condition has caused an injury does not make it unreasonably dangerous, for purposes of premises liability. The mere possibility of harm that accompanies every condition in existence provides no basis for a

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premises liability claim on the basis of an unreasonably dangerous condition. *Pay and Save, Inc. v. Canales*, 691 S.W.3d 499 (Tex. 2024).

**§ 19:33 Demolition [NEW]:** The demolition activity in question was not "ultrahazardous," and thus did not fall under exception to general rule that principal was not liable for offenses committed by independent contractor while performing its contractual duties; demolition project did not relate to land or any other immovable and activity in question required substandard conduct in order to cause injury. *Lafayette Steel Erector, Inc. v. G. Kendrick, LLC*, 375 So. 3d 507 (La. Ct. App. 1st Cir. 2023), writ denied, 375 So. 3d 415 (La. 2023).

**§ 23:38 Injunction [NEW]:** When a cotenant's trespass on common property is continuing, it wrongfully interferes with the legal rights of the owner, and in the usual case those rights cannot be adequately protected except by an injunction that will eliminate the trespass. *O'Keefe v. York*, 308 A.3d 983 (R.I. 2024).

**§ 27:8.10 Pleading [NEW]:** Under Virginia law, in an action for false imprisonment, a complainant must plead that (1) the complainant's liberty was restrained, either by words or acts that he or she would fear to disregard, and that (2) there was no sufficient legal excuse to justify the restraint. *Virk v. Clemens*, 81 Va. App. 632, 904 S.E.2d 651 (2024).

**§ 31:25.20 Breach of confidence [NEW]:** To establish a breach of confidence claim, there must be evidence of the communication of the confidentiality of the idea or evidence from which a confidential relationship can be inferred. An actionable breach of confidence will arise when an idea is offered to another in confidence, and is voluntarily received by the offeree in confidence with the understanding that it is not to be disclosed to others. *Norman v. Ross*, 101 Cal. App. 5th 617, 320 Cal. Rptr. 3d 384 (2d Dist. 2024).

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