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Intentional infliction of emotional distress example

can form 10/14/2024 You probably know that when someone else's carelessness causes them an accident, and you end up getting hurt as a result, you can bring a personal injury case against them. But someone else's purposeful action can also lead to a personal injury claim. Injury resulting from physical acts like assault and battery can form the basis of an intentional tort claim, but emotionally-harmful actions can too. That's where a claim of intentional infliction of emotional distress (IIED) comes in. What is the Definition of Intentional Infliction of Emotional Distress? Each state has its own definition of intentional infliction of emotional distress. But a common definition might look something like this: "Liability for IIED can arise when one person's extreme and outrageous conduct intentionally or recklessly causes severe emotional distress to another." In other words, if a defendant intentionally does something truly awful to a plaintiff, the plaintiff can sue for IIED and recover compensation (damages) simply based on their emotional distress. If the severe emotional distress also makes the plaintiff ill or causes some other physical problem, the plaintiff can recover damages for that harm as well. (For cases where emotional injury was caused by carelessness or "by accident," a claim of negligent infliction of emotional distress claims (NIED) might be appropriate.)

"Emotional Distress" Can Be Part of Most Personal Injury Claims It's important to note the distinction between the standalone intentional tort claim of "intentional infliction of emotional distress" and "emotional distress" as one component of a larger injury claim. Compensation for "emotional distress" and other kinds of mental harm are usually available when a claimant suffers physical injury as a result of an accident, like in a claim arising from a car accident or a slip and fall. In those cases, accompanying emotional distress is part of the claimant's "pain and suffering." The defendant's conduct does not need to be "extreme and outrageous" in cases where the plaintiff suffered physical injury.

The standalone intentional tort claim of "Intentional Infliction of Emotional Distress" requires more than physical injury. To win the "extreme and outrageous" conduct element, we've discussed here goes well beyond the kind of ordinary carelessness ("negligence") that's the basis for most kinds of personal injury claims. And any intent to cause emotional or mental harm needs to be backed up by evidence. If there's a pattern of behavior that could provide context for the incident, it may strengthen your case. For example, if a defendant repeatedly humiliates or intimidates you at work, they're likely to have intended that kind of conduct would result in emotional harm. If the claimant has received care from a mental health professional, records of that treatment can help establish the impact of the defendant's conduct on the claimant. Even When You Win an IIED Case, You Might Not Be Able to Collect With most kinds of personal injury cases, there's an insurance policy that applies to the underlying incident that led to the harm. Think of the car insurance policy that would cover a passenger's injuries after a traffic accident, or the homeowner's insurance policy that would apply when a neighbor gets hurt on your property. But insurance policies don't cover intentional or criminal conduct. So, even if your intentional infliction of emotional distress case is successful (you win after a court trial), in order to collect on the judgment, you'll need to hope that the defendant has enough in the way of personal assets. Learn more about collecting your personal injury settlement money or judgment. Before you decide to pursue an intentional infliction of emotional distress claim over someone else's harmful conduct, it might make sense to discuss your situation with an experienced personal injury lawyer. In California, you can legally claim the intentional infliction of emotional distress (IIED). You could have a case if the defendant's outrageous conduct causes you emotional distress. The behavior must have been done intentionally or with complete disregard for how it would affect you. These cases usually involve an employer emotionally abusing an employee. With the assistance of a San Francisco personal injury attorney, you could be eligible for compensatory damages. Learn more below about obtaining damages for the intentional infliction of emotional distress in California. What Is "Severe Emotional Distress" Under California Law? Under the law, emotional distress may include some or all of the following: Shock Worry Fright Fear Anguish Shame and humiliation Anxiety Nervousness Horror and fright However, to receive compensation under the intentional infliction of law of California, you must undergo a psychiatric evaluation. This isn't a bar to recovery; rather, so the doctor can give you an expert opinion on whether you did indeed suffer such damage. Such a consultation will cost you, but it's worth it because you need to prove your feelings, and sometimes annoying you. Conduct under the law considered outrageous if a reasonable person would see it going beyond what decent behavior. Some facts that matter include the defendant's conduct was outrageous act. Whether the person abused their power, the relationship they gave them, the power to affect your interests, etc. If your supervisor asks you out and you refuse, it could be considered outrageous behavior if he then emotionally and verbally abused you for months at work. Whether they knew you were vulnerable to emotional trauma and distress. Perhaps your employer knew you were emotionally affected by the treatment, but they did not care and did it anyway. Whether they were aware that their conduct would cause emotional harm. What Does "Reckless Disregard" Mean Under California Law? The laws of California state that someone acts with reckless disregard when they know that they would probably suffer emotional distress from the conduct. Also, reckless disregard means the person gave no thought to the effects of their conduct on you. However, the person does not need to act with evil or malicious purposes for you to be eligible for compensation. It is enough that they exhibited outrageous conduct without considering how it would affect you. If you have been emotionally devastated by their behavior, you could have a claim under labor law. What Are Examples Of Intentional Infliction Of Emotional Distress? Some cases where intentional infliction of emotional distress may lead to compensation are:

- Drunk driving causing death or injury
- Sexual abuse or assault
- Assault and battery causing serious bodily injury

Knowing making a dangerous product Retaliating against a whistleblower Using excessive force Let's look at more examples. Being fired, for example, is embarrassing and hurtful for most of us. But unless the act was due to retaliation or discrimination, there probably is no case. However, if you boss regularly humiliates you in front of workers, or insulted or demoted you for no reason, these could qualify as intentional infliction of emotional distress. Other examples include sending emails or memos to the staff criticizing you repeatedly. Do You Need to Suffer Physical Harm? No. You do not need to prove you suffered physical harm to be compensated. However, in situations where you have a lot of medical bills, lost earnings, and reduced earning capacity, you could argue that your physical harm was a result of your emotional distress. Because of their outrageous behavior, you suffered severe emotional distress. For a successful lawsuit for IIED against your employer, you need to prove the following: The person's conduct was egregious and outrageous. It has to be done in a way that the "reasonable person" would say is extreme. Remember, rude language and bad manners are not enough. The person wanted to make you suffer emotionally. Or, they were indifferent to the suffering you would undergo. You suffered emotional distress that almost anyone would find unbearable. How long and intense the emotional distress was is a factor considered when filing a personal injury claim. When Can You File For Emotional Distress? California law allows direct victims and sometimes bystanders to receive compensation for the intentional infliction of emotional distress. First, however, you need to file your claim quickly. California's statute of limitations for personal injury claims is one year two years. Therefore, the case will be dismissed if you don't file the claim within two years of the incident. Does Federal Law Say Anything About Intentional Infliction of Emotional Distress? No, however, some victims can pursue claims under federal rules outlining hostile work environments and engaging in retaliation against whistleblowers. What Should You Do If You Are An IIED Target? The State of California does not tolerate the intentional infliction of emotional distress. If you have experienced this, you should remember that the law protects you. You may get relief without going to trial. Most of these cases in California are settled before seeing a courtroom. Suppose your employer has violated your rights and caused you intentional infliction of emotional distress. In that case, you should talk to a San Francisco personal injury attorney to see if you have a case. Speak To A San Francisco Personal Injury Attorney Today If your employer has intentionally inflicted emotional distress, you can not tolerate it. Our attorneys help clients in and around San Francisco, Santa Rosa, Vacaville, and Discovery Bay, and we will fight for your rights. You could be eligible for compensation for mental anguish, lost earnings, and loss of earning capacity. Contact us today for a complimentary consultation. Resource: Intentional Infliction of Emotional Distress (IIED) The post What Is the Difference Between Negligent and Intentional Infliction of Emotional Distress? appeared first on Intentional Infliction of Emotional Distress. Damages could include the cost of medical care, loss of income, damage to property, or other expenses related to the accident or injury. Noneconomic damages are often referred to as "pain and suffering" damages, such as physical pain, emotional stress, and mental anguish. In some cases, the conduct of the person who caused the injury is so outrageous and extreme that it exceeds the bounds of decency or the norms of civilized society. When conduct intentionally or recklessly causes emotional harm, the injured person may be entitled to additional damages for the infliction of emotional injury. Intentional and Negligent Causes of Emotional Distress Example is common to experience stress and anxiety after an accident. However, some events can cause a heightened level of emotional torment, anxiety, shock, and depression. A person can negligently cause emotional damage without intending to do so. For instance, a driver who is leaning over to pick up a cell phone that fell into the floor may be guilty of negligent infliction of emotional stress if they cause a car crash that injures other parties while they were distracted. On the other hand, a person may be guilty of intentionally inflicting emotional harm if they act in a manner that they knew or should have known would cause distress. For example, an individual taking medication that he knows can increase the effects of alcohol goes to a bar and drinks heavily. The person then decides to drive home instead of calling a cab. On the way home, the person causes a car crash that claims the life of a young child who dies in the mother's arms. The fact that the individual knew they were taking medication that had a warning to avoid alcohol, but they chose to drink and drive could be considered an intentional infliction of emotional pain and harm. The question becomes whether the person "intended" to cause harm by knowingly acting in a specific manner or acting in a matter which they should have known had the potential to cause emotional harm. The question can be tough to answer to some extent. However, once a person's actions are intentional and they intend to cause pain and suffering, the courts grant additional money to compensate the victim for the harm. The Intentional Infliction of Emotional Distress Element When an accident victim is attempting to prove that the person whose conduct caused the accident resulted in causing extreme emotional distress, the court will consider the elements required by law. The defendant must have acted with intent to cause emotional distress. Intentional means the defendant intended to cause emotional distress. The person's conduct resulted in the victim's severe emotional distress. Proving That the Defendant's Conduct Met the Required Elements Defining extreme conduct or outrageous conduct can be tricky. Conduct must go beyond being offensive, harmful, or merely hurtful. In most cases, mere insults or rudeness do not qualify as outrageous. Likewise, the conduct of a driver who turned their head to talk to a passenger and crashes into a pedestrian is likely not going to be considered extreme. On the other hand, if the driver is having intercourse with a passenger and strikes a pedestrian, the court may find this conduct to be outrageous. In addition to the defendant's behavior, the level of distress experienced because of the conduct must be "severe." The definition of "severe" is often left to the jury to determine. In many cases, a plaintiff must prove to the jury that the distress caused by the defendant's conduct rose above the level of stress that a reasonable person should be forced to endure. An attorney uses several factors to help a jury conclude that the distress was severe, including the duration and intensity of the emotional damage. Also, physical injury and mental manifestations of distress, such as eating disorders, sleep problems, paranoia, ulcers, and chronic migraines. Proving that an action was intentional for an emotional distress claim can be difficult, especially without trained, experienced and skilled legal counsel. Visit our website to find more information on the different practice areas we take on. Intentional Infliction of Emotional Distress (IIED) occurs when your employer purposely causes severe emotional distress to you as a result of extreme and outrageous conduct. Examples of Intentional Infliction of Emotional Distress claims can include racial insults, sex discrimination, false imprisonment and conduct that threatens your physical security (although a physical injury is not necessary). Can I bring an intentional infliction of emotional distress claim if my employer fires me? No. Termination of employment by itself, even if it is wrong or without cause, is not extreme and outrageous conduct. Can I prove a claim for emotional distress? To succeed in your workplace, you must show all of the following: Extreme and outrageous conduct by your employer or a representative of your employer; most types of personal injury claims can prove that the "extreme and outrageous" conduct occurred. California courts have interpreted the term mean conduct that is outside the bounds of civilized society and includes sexual harassment, verbal abuse, threats, intimidation, hazing, bullying, insults, rough language, or bad manners that a reasonable person is expected to endure. If your employer's conduct violates California criminal law, it is often automatically considered to be outrageous conduct. IIED is also often found in unlawful discrimination and sexual harassment cases, but the conduct must not meet the "extreme and outrageous" standard. Your employer must have intended to cause you to suffer extreme emotional distress, or must have known that such distress was substantially likely to result. You suffered severe or extreme emotional distress: "Severe" emotional distress is that which is substantial or enduring. It has also been defined as a kind of distress no reasonable person is expected to endure. It may consist of any highly unpleasant reaction such as fright, grief, shame, humiliation, embarrassment, anger, or worry. Both the intensity and the duration of your emotional distress are factors to be considered in determining whether it is severe. Your emotional distress need not have been so bad that you were unable to function in business or social relationships, and your employer's conduct caused your distress. How do I bring an IIED claim? A claim for IIED must be brought in State Superior Court or Small Claims Court. The amount of "damages" you are owed will usually determine which court you want to file in. For smaller cases, small claims court may be your best bet. In small claims court, you do not need to find a lawyer, but the maximum amount you can recover is \$12,500. The turnaround on small claims court claims is usually faster than superior court. The court hearing is normally held within 30 to 70 days after the claim is filed. See the California Courts Self-Help Center for more information. Many counties also have a Small Claims Legal Advisor's Office that can help you with your claim. For larger cases with bigger damages, you can file in state court, but you will generally need to hire a lawyer, which might be difficult to find unless you have a particularly large case. If you are not sure where to find a lawyer, you can start by visiting the American Bar Association's website. The website lists lawyers by location and specialty. Generally speaking, the better the lawyer, the higher the fee. There are two situations that will normally avoid Workers' Compensation lawsuits. First, if the outrageous conduct does not normally occur in the workplace (for example, your employer sexually harasses you or falsely imprisons you), the conduct is separate from Workers' Compensation laws. Second, Workers' Compensation laws will not prevent you from pursuing your claim if you have suffered emotional distress as a result of physical assault/battery by your employer. Last updated: October 2024 Intentional infliction of emotional distress (IIED) is a tort that occurs when one acts in a manner that intentionally or recklessly causes another to suffer severe emotional distress, such as issuing the threat of future harm. Prima Facie Case The defendant's conduct is outrageous The defendant acts purposely or recklessly, causing the victim emotional distress so severe that it could be expected to adversely affect mental health The defendant's conduct causes such distress First Amendment Limits on IIED Liability Certain intentional actions which may meet the prima facie case for an IIED (particularly as related to the outrageous conduct components) may not qualify for tort liability as an IIED, depending on the person at whom the conduct is directed or who commits the action, particularly as it regards to free speech. Typically, a court will not assign IIED tort liability to a defendant based solely on their speaking negatively about someone, especially public figures. In order for speech to constitute IIED, the person must go further than simply criticizing someone; they must act outrageously. For example, a jury may find IIED where someone repeatedly yells at an actor, saying the worst things about that person in front of an audience. Further, according to Texas v. Johnson (1989), IIED must not apply to something stated simply because the idea is a disliked or radical idea. Courts must strike a balance between allowing IIED claims and protecting First Amendment rights to free speech and thought. Possible defenses to IIED include self-defense, consent, comparative negligence, and assumption of risk. Jurisdiction Variations Jurisdictions will differ in their definitions and applications of the common law tort of IIED, even though they generally follow the same requirements. Some jurisdictions will expand IIED liability by modifying the prima facie case. Rather than requiring that the defendant's conduct causes emotional distress in an intended manner, some jurisdictions will allow that even if the defendant directs conduct at Plaintiff A, but someone close to Plaintiff A (Plaintiff B) suffers severe emotional distress, then Plaintiff B is allowed to bring an IIED claim against the defendant. Modern Trends for IIED Liability In Snyder v. Phelps (2010), the Supreme Court signaled a move away from imposing IIED liability. The Court set aside the trial court's jury verdict that found IIED liability: "[Applying the IIED] would pose too great a danger that the jury would punish [the defendant] for its views on matters of public concern."

For more on the impact of Snyder v. Phelps on IIED liability, see this Yale Law Journal note, this University of Missouri Law Review note , and this Northwestern University Law Review note . [Last revised in December of 2022 by the Wex Definitions Team] Keywords intentional tort tort law Wex LIFE EVENTS accidents & injuries (tort law) wex definitions