

13-1628. Intentional infliction of emotional distress.

To recover for intentional infliction of emotional distress, _____
(*name of plaintiff*) must prove that:

- (1) the conduct of _____ (*name of defendant*) was extreme and outrageous under the circumstances; and
- (2) _____ (*defendant*) acted intentionally or recklessly; and
- (3) as a result of the conduct of _____ (*defendant*),
_____ (*plaintiff*) experienced severe emotional distress.

Extreme and outrageous conduct is that which goes beyond bounds of common decency and is atrocious and intolerable to the ordinary person. Emotional distress is "severe" if it is of such an intensity and duration that no ordinary person would be expected to tolerate it.

USE NOTES

This instruction is used where the plaintiff has pled as a separate cause of action and presented sufficient evidence of the defendant's intentional invasion of the plaintiff's right to freedom from severe emotional distress. The instruction does not apply where emotional distress is merely an additional element of damages recoverable under the measure of damages for a compensable personal injury.

[Adopted, effective November 1, 1991; as amended by Supreme Court Order No. 08-8300-021, effective September 10, 2008.]