

13-1631. Definition and elements of prima facie tort.

Plaintiff claims damages on the basis that defendant intended to cause plaintiff harm and succeeded in doing so. In order to recover damages from defendant on this claim, plaintiff must show:

1. That defendant intentionally [did some act] [failed to act];
 2. That defendant intended that the [act] [failure to act] would cause harm to the plaintiff or that defendant knew with certainty that the [act] [failure to act] would cause harm to the plaintiff;
 3. That the defendant's [act] [failure to act] was a cause of plaintiff's harm;
- and
4. That defendant's conduct was not justifiable under all the circumstances.

USE NOTES

This instruction should be given together with UJI 13-1631A where justification is offered by the defendant and put into issue.

[As amended, effective March 1, 2005.]