

Exercise 3-C

Here is a sample case brief for *Whelan v. Whelan*:

Facts: Plaintiff sued her husband for intentional infliction of emotional distress. She claimed that he falsely told her that he had tested positive for AIDS. Plaintiff alleged that the defendant's false statement caused her to suffer severe anxiety and emotional distress concerning his health, her own health, and her son's future. The defendant moved to strike the amended complaint for failure to state a claim. The court denied the motion.

Issue: Did the defendant's false statement to his wife that he had tested positive for AIDS support her claim against him for intentional infliction of emotional distress?

Law: To state a claim for intentional infliction of emotional distress, a plaintiff must allege that

- (1) the defendant intended to inflict emotional distress or knew or should have known that emotional distress was likely to result from his conduct;
- (2) the conduct was extreme and outrageous so as to be regarded as atrocious and intolerable in a civilized society;
- (3) the defendant's conduct caused the plaintiff's distress; and
- (4) the plaintiff's emotional distress was severe.

Holding: Yes. The defendant's false statement to his wife that he had tested positive for AIDS was extreme and outrageous and likely caused her to suffer severe distress.

Reasoning: The husband's false statement to his wife would likely cause her to suffer extreme shock and fright rather than the typical distress that is common in most marital breakups. The relationship between the parties would probably strengthen the claim because a wife is likely to believe that her husband's statements are truthful.

Dictum: A wife would have a claim for intentional infliction of emotional distress against a third party who intentionally and falsely told her that her husband had AIDS.

Reasoning

Holding

Additional
Pages Who
Decided the
Case