

3-001

**TORTS**Intentional Infliction of Severe Emotional Distress*Lewis v. Oregon Beauty Supply Co.*, 733 P.2d 430 (Or. 1987).**FACTS**

The plaintiff began working for defendants (father Lawrence and son Scott) in 1980. In 1981, she began dating Scott. Shortly thereafter, she decided to see other men. Scott became jealous, and began to harass Plaintiff at work, calling her names, throwing objects at her, and telling co-workers that she had given him a venereal disease. Plaintiff appealed to Lawrence for help, and he reassured her that he would talk to Scott. The harassment continued for six months, whereupon Plaintiff quit her job and sued both defendants under theories of intentional infliction of severe emotional distress and intentional interference with employment contract. Scott was found liable under the latter theory, so the trial court instructed the jury not to consider the emotional distress claim against him, as to do so would allow Plaintiff a double recovery. Lawrence won at trial on the emotional distress claim, and Plaintiff appealed.

**HANDOUT QUESTIONS**

1. What type of conduct constitutes "intentional infliction of severe emotional distress"?
2. What does it mean to say that conduct constitutes an "extraordinary transgression of the bounds of socially tolerable conduct"?
3. What type of conduct qualifies? Why?
4. Why must one's conduct be so severe to subject one to liability for this tort?

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Supreme Court of Oregon

## **FACTS**

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## **ISSUE**

What type of conduct will expose a defendant to liability for intentional infliction of severe emotional distress and was the trial court correct in holding that defendant Lawrence's conduct did not qualify?

## **WHAT HAPPENED AT TRIAL?**

The trial court found in favor of defendant Lawrence on the emotional distress claim. Because the court found defendant Scott liable on the interference with employment contract claim, it refused to consider the emotional distress claim against Scott.

## **HOW DID THIS CASE REACH THE OREGON SUPREME COURT?**

The Oregon Court of Appeals reversed the trial court as to the emotional distress claim, bringing an appeal to the Oregon Supreme Court by defendant Lawrence.

## **ARGUMENTS**

Plaintiff Lewis argues that Lawrence's conduct rises to the level of "socially intolerable", subjecting him to liability for intentional infliction of severe emotional distress.

Defendant Lawrence argues that his conduct is not "socially intolerable", and that the trial court correctly ruled in his favor on the emotional distress claim.

## **WHO WON?**

The defendant Lawrence prevailed. The Court held that his conduct did not exceed socially tolerable bounds.

## **REASONING**

Citing its precedent, the Court noted that the simple questioning of an employee, even when coupled by a raised voice and accusations, does not subject the defendant to tort liability. Similarly, rude behavior, insults, and harsh or intimidating words will not subject a defendant to liability even when intended to cause distress. In short, defendant's conduct must constitute an "extraordinary transgression of the bounds of socially tolerable conduct" to subject him or her to liability.

The Court found that Lawrence had, when appealed to by Plaintiff for help, simply failed to respond to the problem. He did not himself exceed the bounds of socially tolerable conduct in his failure to act, so Plaintiff is not entitled to recover against him for intentional infliction of severe emotional distress.