

Torts
State Rubbish Collectors Ass'n v. Siliznoff
38 Cal.2d 330, 240 P.2d 282 (1952)

Keyword Subject

Intentional Infliction of Emotional Distress, Assault

Facts

Defendant operated trash collection for Acme Brewing Company and came into conflict with Plaintiff, who considered this collection to be encroaching on their territory. A member of Plaintiff told defendant "We will give you till tonight to get down to the board meeting and make some kind of arrangements or agreements about Acme Brewery, or otherwise we are going to beat you up". Defendant did go to the meeting and made an agreement, but backed out claiming to have been compelled under duress.

Procedural History

Trial Court: In favor of Defendant on claim and counterclaim (\$1,250 general and special damages and \$4,000 punitive damages)

Appeal: In favor of Defendant (Affirmed)

Issue

Is the Defendant owed recovery for the IIED he suffered, even in the absence of accompanying physical injury?

Holding: Yes; Ruling Affirmed

Principle

In cases where mental suffering constitutes a major element of damages it is anomalous to deny recovery because the defendant's intentional misconduct fell short of producing some physical injury;.

Reasoning

Separate Opinions

Notes