

# Hardy v. LaBelle's Distributing Co

203 Mont. 263, 661, P.2d 35 (1983)

## Keyword Subject

False Imprisonment

## Facts

Plaintiff (Hardy) was hired by Defendant (LaBelle's Distributing Co) as a sales clerk in the jewelry department. On December 9, another employee thought they saw plaintiff steal a watch from a display and reported that suspicion to the assistant manager. The next day, the assistant manager told plaintiff that he wanted to give her a tour of the office, but then led her to a room with police officers and the loss prevention manager. They told her about the accusation, which she denied, and asked her to take a polygraph, which she accepted and passed. After the interaction, plaintiff filed a suit for false imprisonment based on her being brought to the room and expected to stay under false pretenses.

## Procedural History

Trial Court: In favor of Defendant

Appeal: In favor of Defendant

## Issue

Does a situation in which someone feels compelled to stay somewhere constitute false imprisonment?

## Holding: No; Ruling Affirmed

## Principle

The two key elements of false imprisonment are the restraint of an individual against their will, by either acts or merely by words which they fear to disregard, and the unlawfulness of such restraint

## Reasoning

Given that plaintiff admitted that she would have wanted to go clear up the accusations if she had known why she was being brought to the office, she cannot be said to have been restrained. Particularly because she was never told not to leave directly or otherwise.

## Separate Opinions

## Notes