Case Analysis Questions

CA Q. 1 What court issued this opinion, and what precedent as to the tort of “intentional infliction of emotional distress” was it bound to follow (or otherwise distinguish if it did not choose to follow)?

CA Q. 2 What are the detailed facts in the Figueiredo-Torres case?

CA Q. 3 What, if any, intentional torts did the Defendant commit against the Plaintiff as a result of this incident?

CA Q. 4 WHY did the trial court in this case grant the Defendant’s motion for a Judgment N.O.V. (i.e., judgment notwithstanding the verdict) AFTER the jury found in favor of the Plaintiff’s claim for the tort of “IIED” and returned a verdict of $25,000 for the Plaintiff?

CA Q. 5 What SPECIFIC element of the tort of “IIED” does the Caldor court address in this opinion, and WHO normally determines whether or not this element is present in any given case (i.e., the court or the jury)?

CA Q. 6 What, if any, additional evidence might the Plaintiff have offered in support of his IIED claim under these facts?

CA Q. 7 Justice Eldridge wrote a dissenting opinion in the Caldor case (see Note 1 on page 63 of the Casebook for an excerpt from that opinion). Do you agree with the dissent or the majority opinion in the Caldor case? Explain your response.