

Do I have a claim for intentional infliction of emotional distress under Massachusetts law?

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Maybe, but it is a real high legal standard to meet.

There are many people making claims for intentional infliction of emotional distress. Once I saw a car (Car #1) driving in the breakdown lane of a congested highway fast enough to pass other cars sitting in traffic. I then saw a car in the right lane (Car #2) pull enough into the breakdown lane to stop the progress of the car. Is there a claim here? Was this intentional? Yes. Is it inflicted upon someone? Yes. Is it emotional distress? Yes. But it is quite unlikely any judge would believe that there is a claim for intentional infliction of emotional distress under Massachusetts law.

This is because the title of a claim is not all there is to it. One must research statutory and case law to gain an understanding of what the claim is all about. Just a few of the requirements are the degree of the behavior and the severity of the distress.

Under Massachusetts law, the behavior inflicted must be “extreme and outrageous conduct.” Tetrault v. Mahoney, Hawkes & Goldings, 425 Mass. 456, 466 (1997). It must be “beyond all possible bounds of decency” and “utterly intolerable in a civilized community.” Agis v. Howard Johnson Co., 371 Mass. 140, 145 (1976). What car #2 did is arguably rude and intended to cause frustration, but it does not meet this standard.

An intentional infliction of emotional distress claim also must cause severe distress, not garden variety distress. Bailey v. Shriberg, 31 Mass. App. Ct. 277, 279-80 (1991) (being “upset and up tight,” or “disgusted, annoyed, fed up, tired, and rundown” about defendant’s dogs’ barking and radios blaring 20 feet away not distress of “requisite severity”). The distress must be of a nature that “no reasonable man could be expected to endure it.” Agis v. Howard Johnson Co., 371 Mass. at 145. One may be quite upset that a person blocks their way to drive in the breakdown lane, but it doesn’t meet this standard.

Now pretend that the driver of Car #1 was rushing their friend to the hospital who had time-sensitive and serious injuries and the driver of Car #2 *knew* of the injuries and the intended destination of Car #1 and was yelling “you’ll never get there and she will die.” Hmmm, maybe we are getting closer. The point is that there is usually more than just the title of a particular claim and care must be taken prior to filing suit to see if legal standards are met.

In the event you believe you have a claim for intentional infliction of emotional distress or another tort, feel free to give us a call.

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