Kay CORSO, Plaintiff,

v.

CRAWFORD DOG AND CAT HOSPITAL, INC., Defendant

Civil Court of the City of New York, Queens County.
February 19, 2017

Opening Statement

Kay Corso grieved her companion's death. Crawford Dog and Cat Hospital acted in reckless disregard of that grief and of the Hospital's responsibilities with outrageous conduct.

We will show that Ms. Corso was a responsible, caring pet owner—her dog lived the long life of 15 years, and Ms. Corso took her pet to the Hospital for treatments, as she did the day of her loss. When the Hospital recommended euthanasia, Ms. Corso showed her companion compassion and let him go so he did not suffer.

We will show the Hospital made an agreement with Ms. Corso to turn her pet's remains over to Bide-A-Wee, an organization that arranges funerals for dogs.

We will show Ms. Corso carefully arranged her long-time companion's funeral—one worthy of a friend who was by her side during the terrible moments and the wonderful moments of life, bringing companionship, comfort, and joy. This friend's funeral included a headstone and epitaph and inviting her friends and family. They grieved with Ms. Corso the loss of a companion they knew themselves for many, if not all, the 15 years of his life.

Moreover, we will show the Hospital broke its agreement with Ms. Corso.

Ms. Corso and her friends and family will testify to their grief and shock at the funeral. When the casket opened, Ms. Corso and the other funeral attendees did not see her long-time companion. What they saw was outrageous during such a solemn, emotional event. In the casket was a dead cat.

The Hospital and Ms. Corso *had agreed* that the Hospital would turn over the dog's body to Bide-A-Wee for funeral arrangements. But the Hospital not only did not turn over the remains; they wrongly disposed of the pet's remains and gave Ms. Corso the remains of a cat instead. Doctors must be especially careful with lives at stake, yet the doctors at this hospital were reckless with the remains and reckless with Ms. Corso's emotions or they would not have mixed them up.

We will show that a veterinary hospital is a constant flow of pets with owners who care enough to put their pet's well-being in the hospital's hands. They have intimate knowledge of how much pets mean to their owners. The doctor of the hospital often sees the anguished experience of pet owners who need to have their pets euthanized. The Hospital did not act in consideration of their extensive knowledge and responsibilities or their agreement to turn over Ms. Corso's companion's remains to Bide-A-Wee, leaving an anguished Ms. Corso in emotional limbo and with irreparable harm to her psyche.

The law proclaims that if a defendant, such as Crawford Dog and Cat Hospital, acts in reckless disregard of causing a plaintiff, such as Kay Corso, emotional distress through outrageous conduct, the Hospital is guilty of Intentional Infliction of Emotional Distress and is liable for damages.

Ladies and Gentlemen of the jury, Ms. Corso seeks to recover damages based upon a claim of Intentional Infliction of Emotional Distress. Disregarding the agreement and mixing up the remains showed reckless disregard for Ms. Corso's emotions. Losing and replacing Ms. Corso's companion's remains is outrageous conduct that has prolonged and increased Ms. Corso's emotional distress.

Ms. Corso was hurt and saddened as she endured taking her pet to the vet, having him euthanized, and planning the funeral with the funeral organization. The event of a funeral, including a headstone, epitaph, and attendance by family and friends is expensive, needing careful arrangements in timing and invitations of attendees. Ms. Corso and the other funeral attendees took time off from their responsibilities of work and family and home. Heavy of heart, Ms. Corso and her friends and family prepared to say a final good-bye to this long-time companion, yet instead of healing they experienced pain and shock, complicating their ability to start to move on. The funeral was expensive, the time invaluable, and the shock irreparable, and dealing with the wrong remains and going to court to seek justice takes time, cost, and emotional distress Ms. Corso did not anticipate.

Ladies and Gentlemen of the jury, hear Ms. Corso's distress and anguish, and judge Crawford Dog and Cat Hospital liable for damages for their reckless disregard of emotional and financial distress and for their outrageous, incompetent conduct.

Then the tape cut to the shot of the police chief taking the skull from the box, zooming in for a frontal close-up of the tilted skull facing directly at the camera while a voice-over identified the skull as belonging to the victim.

The victim's family was watching as the story unfolded. The victim's 12-year-old sister ran out of the room screaming, "That cannot be my sister." As a court later noted, "The emotional impact was devastating."

Someone from the station later called the family and apologized for the story. The news staff later admitted that the family should have been contacted. They also said that the close-up of the skull was not newsworthy and should not have been aired.

A court, in its decision against the station, noted that the shot of the skull was "gruesome and macabre" and was "intentionally included to create sensationalism for the report."

Fortunately, stories such as this are the exception rather than the norm. Unfortunately, stories such as this have been the center piece of law suits which have argued that a photojournalist's news gathering efforts hurt those photographed.

Whether it is a question of intentional infliction of emotional distress or an issue of invasion of privacy . . . images of individuals in tragic moments often raise more questions of ethics rather than laws. In most circumstances, the courts have given wide discretion to those pursuing newsworthy images. As long as one stays within reasonable bounds in pursuing and presenting information, few legal consequences will follow.

However, just because an image falls within legal limits does not necessarily mean that it also falls within acceptable ethical standards. Legal standards address what one can do. Ethical standards address what one should do. . . .

Finally, if the reader will permit a personal observation, the many photojournalists that this author has worked with over the past two decades have all adhered to the highest sense of ethical and legal standards. No one that this author has known could ever be on the losing end of an intentional infliction of emotional distress suit. You do it right and you do it well. Your behaviors and beliefs serve as a model for the entire profession.

The Cat in the Casket

Kay CORSO, Plaintiff,
v.
CRAWFORD DOG AND CAT HOSPITAL, INC., Defendant.

Civil Court of the City of New York, Queens County.
March 22, 1979.

On or about January 28, 1978, the plaintiff brought her 15 year old poodle into the defendant's premises for treatment. After examining the dog, the defendant recommended euthanasia and shortly thereafter the dog was put to death. The plaintiff and the defendant agreed that the dog's body would be turned over to Bide-A-Wee, an organization that would arrange a funeral for the dog. The plaintiff alleged that the defendant wrongfully disposed of her dog, failed to turn over the remains of the dog to the plaintiff for the funeral. The plaintiff had arranged for an elaborate funeral for the dog including a head stone, an epitaph, and attendance by plaintiff's two sisters and a friend. A casket was delivered to the funeral which, upon opening the casket, instead of the dog's body, the plaintiff found the body of a dead cat. The plaintiff described during the non-jury trial, her mental distress and anguish, in detail, and indicated that she still feels distress and anguish. The plaintiff sustained no special damages.

The question before the court now is two-fold. 1) Is it an actionable tort that was committed? 2) If there is an actionable tort is the plaintiff entitled to damages beyond the market value of the dog?

Corso v. Crawford Dog and Cat Hospital, 415 N.Y.S. 2d 182 (1979).

Shunned by Jehovah's Witnesses

Janice PAUL, a/k/a/ Janice Perez,
Plaintiff-Appellant,
v.
WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC.,
Defendants-Appellee.

No. 85-4012.

United States Court of Appeals, Ninth Circuit.
Argued and Submitted March 7, 1986. Decided June 10, 1987.

Janice Paul was raised as a Jehovah's Witness. Her mother was very active in the Church and, from the age of four, Paul attended church meetings. In 1962, when Paul was 11 years old, her mother married the overseer of the Ephrata, Washington congregation of Jehovah's Witnesses. In 1967, Paul officially joined the Witnesses and was baptized.

According to Paul, she was an active member of the congregation, devoting an average of 40 hours per month in door-to-door distribution of the Witnesses' publications. In addition to engaging in evening home bible study, she attended church with her family approximately 20 hours per month. She eventually married another member of the Jehovah's Witnesses.

In 1975, Paul's parents were "disfellowshiped" from the Church. According to Paul, her parents' expulsion resulted from internal discord within their congregation. The Elders of the Lower Valley Congregation told Paul that she and her husband should not discuss with other members their feeling that her parents had

Paul v. Watchtower Bible and Tract Society, 819 F.2d 895 (1987).

age left no chance that this stress could be trivial, but rather made them particularly susceptible to emotional distress. At the same time, the fact that the fate of their dog was uncertain from December of 1979 to February of 1980 makes it impossible to believe that their emotional distress was just transient. We also think it is likely that the defendants knew about the ages of the minor plaintiffs and still retained the animal and threatened to dispose of it.

Conclusion

Based on this analysis, we found that the defendants' actions were extreme and outrageous and the distress suffered by the plaintiffs, especially the minors ones, was severe. Accordingly, we found the defendants, because of their "outrageous and extreme" conduct, liable for willful infliction of emotional distress and therefore liable to the plaintiffs for damages.

—Mark Tseselsky

The Law on Intentional Infliction of Mental Distress

From Restatement of the Law (Second): Torts, American Law Institute, 1965

§ [Section] 46. Outrageous Conduct Causing Severe Emotional Distress

(1) One who by extreme and outrageous conduct intentionally or recklessly causes severe emotional distress to another is subject to liability for such emotional distress, and if bodily harm to the other results from it, for such bodily harm.

(2) Where such conduct is directed at a third person, the actor is subject to liability if he intentionally or recklessly causes severe emotional distress
   (a) to a member of such person's immediate family who is present at the time, whether or not such distress results in bodily harm, or
   (b) to any other person who is present at the time, if such distress results in bodily harm.

[Comment] D. Extreme and Outrageous Conduct. The cases thus far decided have found liability only where the defendant's conduct has been extreme and outrageous. It has not been enough that the defendant has acted with an intent

Restatement (Second) of Torts. As adapted and promulgated by the American Law Institute at Washington, D.C. May 25, 1963, and May 22, 1964. St. Paul, MN: West Publishing, 1965.

which is tortious or even criminal, or that he has intended to inflict emotional distress, or even that his conduct has been characterized by "malice," or a degree of aggravation which would entitle the plaintiff to punitive damages for another tort. Liability has been found only where the conduct has been so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community. Generally, the case is one in which the recitation of the facts to an average member of the community would arouse his resentment against the actor, and lead him to exclaim, "Outrageous!"

The liability clearly does not extend to mere insults, indignities, threats, 2
annoyances, petty oppressions, or other trivialities. The rough edges of our society are still in need of a good deal of filing down, and in the meantime plaintiffs must necessarily be expected and required to be hardened to a certain amount of rough language, and to occasional acts that are definitely inconsiderate and unkind. There is no occasion for the law to intervene in every case where someone's feelings are hurt. There must still be freedom to express an unflattering opinion, and some safety valve must be left through which irascible tempers may blow off relatively harmless steam.

Illustrations: 3

1. As a practical joke, A falsely tells B that her husband has been badly injured in an accident, and is in the hospital with both legs broken. B suffers severe emotional distress. A is subject to liability to B for her emotional distress. If it causes nervous shock and resulting illness, A is subject to liability to B for her illness.
2. A, the president of an association of rubbish collectors, summons B to a meeting of the association, and in the presence of an intimidating group of associates tells B that B has been collecting rubbish in territory which the association regards as exclusively allocated to one of its members. A demands that B pay over the proceeds of his rubbish collection, and tells B that if he does not do so the association will beat him up, destroy his truck, and put him out of business. B is badly frightened, and suffers severe emotional distress. A is subject to liability to B for his emotional distress, and if it results in illness, A is also subject to liability to B for his illness.
3. A is invited to a swimming party at an exclusive resort. B gives her a bathing suit which he knows will dissolve in water. It does dissolve while she is swimming, leaving her naked in the presence of men and women whom she has just met. A suffers extreme embarrassment, shame, and humiliation. B is subject to liability to A for her emotional distress. . . .

8. A, a creditor, seeking to collect a debt, calls on B and demands payment in a rude and insolent manner. When B says that he cannot pay, A calls B a deadbeat, and says that he will never trust B again. A's conduct, although insulting, is not so extreme or outrageous as to make A liable to B. . . .

[Comment] J. Severe Emotional Distress. The rule stated in this Section applies 4
only where the emotional distress has in fact resulted, and where it is severe.

Emotional distress passes under various names, such as mental suffering, mental anguish, mental or nervous shock, or the like. It includes all highly unpleasant mental reactions, such as fright, horror, grief, shame, humiliation, embarrassment, anger, chagrin, disappointment, worry, and nausea. It is only where it is extreme that the liability arises. Complete emotional tranquility is seldom attainable in this world, and some degree of transient and trivial emotional distress is a part of the price of living among people. The law intervenes only where the distress inflicted is so severe that no reasonable man could be expected to endure it. The intensity and the duration of the distress are factors to be considered in determining its severity. Severe distress must be proved; but in many cases the extreme and outrageous character of the defendant's conduct is in itself important evidence that the distress has existed. For example, the mere recital of the facts in Illustration 1 above goes far to prove that the claim is not fictitious.

The distress must be reasonable and justified under the circumstances, and there is no liability where the plaintiff has suffered exaggerated and unreasonable emotional distress, unless it results from a peculiar susceptibility to such distress of which the actor has knowledge.

It is for the court to determine whether on the evidence severe emotional distress can be found; it is for the jury to determine whether, on the evidence, it has in fact existed.

Illustration:

17. The same facts as Illustration 1, except that B does not believe A's statement, and is only sufficiently disturbed to telephone to the hospital to find out whether it could possibly be true. A is not liable to B.

The Abusive Motorman

KNOXVILLE TRACTION CO. v. LANE et ux.

(Supreme Court of Tennessee. Oct. 28, 1899.)

On July 29, 1898, the plaintiff Maggie Lane, who was a woman of good character, boarded one of the defendant's cars at or near Lake Ottosee, in the suburbs of Knoxville, for the purpose of being transported into the city, and paid the fare required by the defendant. Just before the car reached the city, the plaintiff noticed that the motorman was drinking. She was sitting near the center of the car. The motorman turned and looked towards her, and said, "You are a good-looking old girl, and I would like to meet you when you get off." She became indignant, and remarked that she would have some one attend to him when she got off. Thereafter he continued to make signs to her until the conductor interfered, and the motorman then said, "She is nothing but a whore." The plaintiff commenced to cry, and the motorman seemed to get angry, and said other abusive things to her. He stated that

Knoxville Traction v. Lane, 53 S.W. 557 (1899).

he knew all about her, and that she "would go out to the lake and throw herself out to the men there." He did not put his hands on her, or attempt to do so. When he arrived at the station the plaintiff went to the office of the defendant company, crying, and complained of the insulting conduct of the motorman towards her. The motorman was taken off the run, and immediately discharged by the company. This motorman had theretofore shown himself to be a good and faithful employee of the company, and had never been drunk before while on duty. The defendant did not know that he drank at all. At the conclusion of the plaintiff's testimony the defendant demurred to the evidence upon the ground that the plaintiff's testimony showed that it did not know of the drunkenness of the motorman, and that it discharged him immediately upon learning of his conduct, and also upon the ground that as the injury alleged in the declaration was the willful, malicious, and unlawful employment of a drunken motorman, the plaintiff's cause of action was not made out by her own proof, as there was no evidence to support this allegation. The circuit judge overruled this demurrer to the evidence, and submitted the case to the jury to ascertain and fix the amount of damages suffered by the plaintiff. The jury rendered a verdict for $500, and, the defendant's motion for a new trial having been overruled, it appealed to this court, and has assigned errors.

The Law on Liability of Public Utility for Insults by Employees

§ 48. *Special Liability of Public Utility for Insults by Servants*

A common carrier or other public utility is subject to liability to patrons utilizing its facilities for gross insults which reasonably offend them, inflicted by the utility's servants while otherwise acting within the scope of their employment. . . .

Comment:

a. The rule stated in this Section is based on the public interest in freedom from insult on the part of those who undertake the obligations of a public utility. The chief value of the rule lies in the incentive which it provides for the selection of employees who will not be grossly discourteous to those who must come in contact with them, and for the making of proper rules and supervision to enforce them.

The earliest cases involved insults to passengers by the hands of employees of common carriers. The rule was then extended to innkeepers, who always have been regarded as analogous to carriers; and in the later decisions it has been further extended to other public utilities. Any such utility is subject to liability to patrons who are making use of its facilities. The earlier cases found an "implied contract" not to insult the patron; but the later decisions have based the liability on the public duty, and have found it even where there is as yet no contract. It is not necessary that the insult be offered on the utility's own premises.

Restatement (Second) of Torts. See p. 132.

been unjustly disfellowshiped. That advice was underscored by the potential sanction of her own disfellowship were she to challenge the decision.

Sometime after the Elders' warning, Paul decided that she no longer wished to belong to the congregation, or to remain affiliated with the Jehovah's Witnesses. In November 1975, Paul wrote a letter to the congregation withdrawing from the Church.

The Witnesses are a very close community and have developed an elaborate set of rules governing membership. The Church has four basic categories of membership, non-membership or former membership status; they are: members, nonmembers, disfellowshiped persons, and disassociated persons. "Disfellowshiped persons" are former members who have been excommunicated from the Church. One consequence of disfellowship is "shunning," a form of ostracism. Members of the Jehovah's Witness community are prohibited—under threat of their own disfellowship—from having any contact with disfellowshiped persons and may not even greet them. Family members who do not live in the same house may conduct necessary family business with disfellowshiped relatives but may not communicate with them on any other subject. Shunning purportedly has its roots in early Christianity and various religious groups in our country engage in the practice including the Amish, the Mennonites, and, of course, the Jehovah's Witnesses.

"Disassociated persons" are former members who have voluntarily left the Jehovah's Witness faith. At the time Paul disassociated, there was no express sanction for withdrawing from membership. In fact, because of the close nature of many Jehovah's Witness communities, disassociated persons were still consulted in secular matters, e.g. legal or business advice, although they were no longer members of the Church. In Paul's case, for example, after having moved from the area, she returned for a visit in 1980, saw Church members and was warmly greeted.

In September 1981, the Governing Body of Jehovah's Witnesses, acting through the defendants—Watchtower Bible and Tract Society of Pennsylvania, Inc., and the Watchtower Bible and Tract Society of New York, Inc.—issued a new interpretation of the rules governing disassociated persons. The distinction between disfellowshiped and disassociated persons was, for all practical purposes, abolished and disassociated persons were to be treated in the same manner as the disfellowshiped. The September 15, 1981 issue of *The Watchtower*, an official publication of the Church, contained an article entitled "Disfellowshiping—how to view it." The article included the following discussion: 7

> THOSE WHO DISASSOCIATE THEMSELVES
>
> . . . Persons who make themselves 'not of our sort' by deliberately rejecting the faith and beliefs of Jehovah's Witnesses should appropriately be viewed and treated as are those who have been disfellowshiped for wrongdoing.

The Watchtower article based its announcement on a reading of various passages of the Bible, including 1 John 2:19 and Revelations 19:17–21. The article noted further that "[a]s distinct from some personal 'enemy' or worldly man in authority who opposed Christians, a . . . disassociated person who is trying to promote or justify his apostate thinking or is continuing in his ungodly conduct is certainly not one to whom to wish 'Peace' [understood as a greeting]. (1 Tim. 2:1, 2)." Finally, the article stated that if "a Christian were to throw in his lot with a wrongdoer who . . . has disassociated himself, . . . the Elders . . . would admonish him and, if necessary, 'reprove him with severity.'" (citing, *inter alia*, Matt. 18:18, Gal. 6:1, Titus 1:13).

Three years after this announcement in *The Watchtower*, Paul visited her parents, who at that time lived in Soap Lake, Washington. There, she approached a Witness who had been a close childhood friend and was told by this person: "I can't speak to you. You are disfellowshiped." Similarly, in August 1984, Paul returned to the area of her former congregation. She tried to call on some of her friends. These people told Paul that she was to be treated as if she had been disfellowshiped and that they could not speak with her. At one point, she attempted to attend a Tupperware party at the home of a Witness. Paul was informed by the Church members present that the Elders had instructed them not to speak with her. 8

Upset by her shunning by her former friends and co-religionists, Paul, a resident of Alaska, brought suit in Washington State Superior Court alleging common law torts of defamation, invasion of privacy, fraud, and outrageous conduct. 9

Judge's Instructions to the Jury

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Ladies and Gentlemen of the Jury:

It is now my duty to instruct you on the law that applies to this case. It is your duty to follow the law.

As jurors it is your duty to determine the effect and value of the evidence and to decide all questions of fact.

You must not be influenced by sympathy, prejudice or passion.

The plaintiff _____seeks to recover damages based upon a claim of intentional infliction of emotional distress.

The essential elements of such a claim are:

1. The defendant engaged in outrageous, [unprivileged] conduct;
2. [a. The] defendant intended to cause plaintiff to suffer emotional distress; or

California Jury Instructions, Civil: Book of Approved Jury Instructions 8th ed. Prepared by the Committee on Standard Jury Instruction Civil, of the Superior Court of Los Angeles County, California. Hon. Stephen M. Lachs, Judge of the Superior Court, Chairman. Compiled and Edited by Paul G. Breckenridge, Jr. St. Paul, MN: West Publishing, 1994.

[b.] [(1) The defendant engaged in the conduct with reckless disregard of the probability of causing plaintiff to suffer emotional distress;

(2) The plaintiff was present at the time the outrageous conduct occurred; and

(3) The defendant knew that the plaintiff was present;]

3. The plaintiff suffered severe emotional distress; and
4. Such outrageous . . . conduct of the defendant was a cause of the emotional distress suffered by the plaintiff.

The term "emotional distress" means mental distress, mental suffering or mental anguish. It includes all highly unpleasant mental reactions, such as fright, nervousness, grief, anxiety, worry, mortification, shock, humiliation and indignity, as well as physical pain.

The word "severe," in the phrase "severe emotional distress," means substantial or enduring as distinguished from trivial or transitory. Severe emotional distress is emotional distress of such substantial quantity or enduring quality that no reasonable person in a civilized society should be expected to endure it.

In determining the severity of emotional distress you should consider its intensity and duration.

Extreme and outrageous conduct is conduct which goes beyond all possible bounds of decency so as to be regarded as atrocious and utterly intolerable in a civilized community.

Extreme and outrageous conduct is not mere insults, indignities, threats, annoyances, petty oppressions or other trivialities. All persons must necessarily be expected and required to be hardened to a certain amount of rough language and to occasional acts that are definitely inconsiderate and unkind.

Extreme and outrageous conduct, however, is conduct which would cause an average member of the community to immediately react in outrage.

The extreme and outrageous character of a defendant's conduct may arise from defendant's knowledge that a plaintiff is peculiarly susceptible to emotional distress by reason of some physical or mental condition or peculiarity. Conduct may become extreme and outrageous when a defendant proceeds in the face of such knowledge, where it would not be so if defendant did not know.

If you find that plaintiff is entitled to a verdict against defendant, you must then award plaintiff damages in an amount that will reasonably compensate plaintiff for all loss or harm, provided that you find it was [or will be] suffered by plaintiff and was caused by the defendant's conduct. The amount of such award shall include:

Reasonable compensation for any fears, anxiety and other emotional distress suffered by the plaintiff.

. . . In making an award for emotional distress you shall exercise your authority with calm and reasonable judgment and the damages you fix shall be just and reasonable in the light of the evidence.■

• • • •

For Deliberation and Argument

1. How would you define emotional distress? Suppose someone did something—either intentionally or unintentionally—that caused you considerable emotional distress. How serious would this distress have to be for you to consider suing that person? Provide examples to clarify your responses.
2. How does Carr communicate his attitudes toward the kind of "ED" cases that he describes? To what extent do you share his attitudes? Do you think that he is being insensitive toward the people he describes? Have you encountered—in your reading or your own experience—other examples of the "disease" he is discussing?
3. Comment on the lawsuit described by David Margolick. To what extent does *Adler v. Frank* fit the pattern described by Howie Carr in "Take $2000 and Call Me in the Morning"? Consider couching your response as an editorial in a newspaper or a legal magazine. Alternatively, you might consider drafting your response as a brief to the court filed *either* by the Adlers' attorney *or* by Rabbi Frank's.
4. Lawsuit aside, how legitimate a gripe does Gavin (*McDonald* case) have against Spelling Bee officials? Should Stephen have been allowed to compete at the county level? What flaw, if any, do you find in Gavin's argument? To what extent did the newspaper's spelling officials inflict emotional distress on Gavin? How do the judges of the Court of Appeal convey their attitude toward this lawsuit?
5. Render a decision on the spelling bee case (*McDonald*) as if you were one of the judges. Explain your reasoning in light of the facts presented to the court.
6. What rules and regulations (if any) do you believe should apply to photojournalists to prevent causing severe emotional distress to their readers or viewers, such as occurred in the case described by Sherer? In suggesting such rules, take into account the constitutional right of freedom of the press. (While the First Amendment does not protect writers or news organizations from being sued for libel—that is, for knowingly writing or broadcasting false and defamatory statements—courts have been reluctant to place undue restrictions on freedom of the press.)
7. Consider the three cases (*McDonald*, *Corso*, and *Paul*) treated in this group from an ethical, as opposed to a legal, standpoint. In which case is the action at the heart of the lawsuit most reprehensible? Least reprehensible? Why? To what extent might there be plausible justifications (as opposed to reasons) for these actions?
8. Compare the legal definition of emotional distress contained in the "Judge's Instructions to the Jury" to the definition you provided in response to the first question of the Group 1 Readings. To what extent do the definitions essentially cover the same ground? To what extent are they significantly different? If you were empowered to draw up a legal description of emotional distress—