

SUPREME COURT OF OKLAHOMA

Computer Publications, Inc. v. Welton

49 P.3d 732 (Okla. 2002) · No. No. 94,983 · Decided June 11, 2002

SUMMARY

The Supreme Court of Oklahoma reviewed a judgment awarding Alysia Beth Welton damages for intentional infliction of emotional distress arising from Cameron Craig's prolonged harassment after their consensual relationship and employment ended. The court held that sufficient evidence supported submission of the extreme-and-outrageous-conduct and severe-emotional-distress elements to the jury, vacated the contrary portion of the Court of Civil Appeals' opinion, and affirmed the trial court's judgment.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Boudreau, Justice; Boudreau; Watt; Hodges; Opala; Kauger; Summers; Winchester; Hargrave; Lavender
JURISDICTION	Oklahoma
DECIDED	June 11, 2002
DOCKET	No. 94,983
DISPOSITION	vacated
PROCEDURAL POSTURE	Cameron Craig and Computer Publications, Inc. appealed judgments entered after a jury verdict and bench trial. The Oklahoma Court of Civil Appeals affirmed most of the judgments but reversed the judgment on Welton's intentional-infliction-of-emotional-distress claim. The Oklahoma Supreme Court previously granted certiorari to review that reversal.
STANDARD OF REVIEW	The denial of Craig's motion for directed verdict was reviewed de novo. The court viewed the evidence and reasonable inferences in the light most favorable to the nonmoving party, disregarded contrary evidence, and required affirmance unless there was an entire absence of proof on a material issue. A jury verdict was affirmed if any competent evidence reasonably tended to support it.
PRECEDENTIAL VALUE	Published Oklahoma Supreme Court opinion
PARTIES	Computer Publications, Inc., Cameron Craig v. Alysia Beth Welton

TOPICS

intentional infliction of emotional distress

standard of review

appellate procedure

commercial litigation

PRACTICE AREAS

Torts

Appellate procedure

Employment law

Commercial litigation

QUESTIONS PRESENTED

1. Whether Craig's conduct, viewed in the light most favorable to Welton, was sufficiently extreme and outrageous to permit submission of her intentional-infliction-of-emotional-distress claim to the jury.
2. Whether the evidence was sufficient to permit the jury to find that Welton suffered severe emotional distress.
3. Whether the trial court properly denied Craig's motion for directed verdict.

HOLDINGS

1. The evidence was not entirely absent on the extreme-and-outrageous-conduct element; Craig's persistent harassment over approximately two years could reasonably support a finding of conduct beyond all possible bounds of decency. The trial court therefore properly denied the directed-verdict motion on this element.
2. The evidence was not entirely absent on the severe-emotional-distress element, and the trial court properly allowed the claim to go to the jury.
3. The trial court acts as a gatekeeper on whether conduct may be considered extreme and outrageous and whether severe emotional distress can be found; when reasonable persons may differ, the jury determines whether the conduct was sufficiently outrageous and whether severe distress in fact existed.

KEY QUOTATIONS

"The court, in the first instance, must determine whether the defendant's conduct may reasonably be regarded as so extreme and outrageous as to permit recovery or whether it is necessarily so." (49 P.3d at 735)

"Where, under the facts before the court, reasonable persons may differ, it is for the jury, subject to the control of the court, to determine whether the conduct in any given case has been significantly extreme and outrageous to result in liability." (49 P.3d at 735)

"The tort of intentional infliction of emotional distress requires proof of plaintiff's severe emotional distress caused by defendant's intentional or reckless extreme and outrageous conduct." (49 P.3d at 737)

FACTUAL BACKGROUND

Cameron Craig, the owner and operator of Computer Publications, Inc., hired Alysia Beth Welton in 1990, and the two began a consensual sexual relationship approximately one year later. After Welton ended the relationship and later left CPI, Craig continued contacting and pursuing her for approximately two years, including through telephone calls, letters, gifts, visits near her home and workplace, and contacts with her friends. Welton testified that she became fearful, lost weight, cried, developed a rash, and experienced continuing severe distress.

PROCEDURAL HISTORY

Welton obtained a jury verdict against Craig on her intentional-infliction-of-emotional-distress claim, including compensatory and punitive damages. The trial court also entered judgments on related matters, including sanctions against CPI and Craig and a judgment on Welton's counterclaim against CPI. The Court of Civil Appeals reversed only the emotional-distress judgment, holding that Craig's conduct was not sufficiently extreme and outrageous to submit to the jury. The Oklahoma Supreme Court vacated that portion of the appellate opinion and affirmed the trial court's judgment on the emotional-distress claim.

DISPOSITION

vacated

CASES CITED

- Cities Service Co. v. Gulf Oil Corp., 1999 OK 14, 980 P.2d 116, 124
- Franklin v. Toal, 2000 OK 79, 19 P.3d 834, 837
- Breeden v. League Services Corp., 1978 OK 27, 575 P.2d 1374
- Gaylord Entertainment Co. v. Thompson, 1998 OK 30, 958 P.2d 128, 149
- Miller v. Miller, 1998 OK 24, 956 P.2d 887, 900 n.44, 901
- Kraszewski v. Baptist Medical Center of Oklahoma, Inc., 1996 OK 141, 916 P.2d 241, 248