

SUPREME COURT OF NORTH CAROLINA

West v. King's Department Store, Inc., 321 N.C. 698

365 S.E.2d 621 (1988) · No. No. 466A87 · Decided March 9, 1988

SUMMARY

The Supreme Court of North Carolina reviewed directed verdicts against plaintiffs asserting false imprisonment, slander per se, and intentional infliction of emotional distress arising from a department store manager's accusations and threats after the plaintiffs purchased store hand trucks. The court held that the evidence was sufficient to submit Mr. West's false-imprisonment claim and both plaintiffs' emotional-distress claims to a jury, but insufficient to establish publication for slander per se or false imprisonment by Mrs. West. The court affirmed in part, reversed in part, and remanded.

CASE DETAILS

COURT	Supreme Court of North Carolina
WRITING FOR THE COURT	Frye, Justice
JURISDICTION	North Carolina
DECIDED	March 9, 1988
DOCKET	No. 466A87
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiffs appealed from a directed verdict for defendant on claims for false imprisonment, slander per se, and intentional infliction of emotional distress. The Court of Appeals affirmed, and plaintiffs appealed to the Supreme Court of North Carolina based on a dissenting opinion.
STANDARD OF REVIEW	A directed verdict tests the legal sufficiency of the evidence. The plaintiffs' evidence must be taken as true and viewed in the light most favorable to them, with the benefit of every reasonable inference. A directed verdict is improper unless, as a matter of law, recovery cannot be had on any view of the facts reasonably supported by the evidence.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of North Carolina; precedential.
PARTIES	William Howard West, Jr., Carolyn Sue West v. King's Department Store, Inc.

TOPICS

false imprisonment

intentional infliction of emotional distress

defamation

motion for directed verdict

civil procedure

PRACTICE AREAS

torts

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether the evidence was legally sufficient to submit Mr. West's false-imprisonment claim to the jury.
2. Whether the evidence was legally sufficient to submit Mrs. West's false-imprisonment claim to the jury.
3. Whether the evidence established publication, an essential element of the plaintiffs' slander-per-se claims.
4. Whether the evidence was legally sufficient to submit both plaintiffs' intentional-infliction-of-emotional-distress claims to the jury.

HOLDINGS

1. The evidence was sufficient to support a finding that Mr. West was falsely imprisoned and therefore the directed verdict on his claim was improper.
2. The evidence was insufficient to submit Mrs. West's false-imprisonment claim to the jury.
3. The directed verdict on the slander-per-se claims was proper because plaintiffs failed to prove publication to and understanding by a third person.
4. The evidence was sufficient to establish a prima facie claim of intentional infliction of emotional distress for both plaintiffs, and the directed verdict was improper.

KEY QUOTATIONS

“The restraint requirement of this action requires no appreciable period of time, simply sufficient time for one to recognize his illegal restraint. The tort is complete with even a brief restraint of the plaintiff's freedom.”
(624)

“Though plaintiffs are to be given the benefit of all reasonable inferences which may be drawn from the evidence when determining the propriety of a motion for directed verdict granted against them, a mere possibility that someone might have heard the alleged conversation is not enough.” (625)

“Since the intentional element of this tort may be accomplished through reckless behavior, we find this evidence sufficient to sustain a prima facie case of intentional infliction of emotional distress for both plaintiffs and the issue should have been sent to the jury.” (626)

FACTUAL BACKGROUND

The Wests purchased two hand trucks during a liquidation sale at King's Department Store and received a receipt reflecting payment. A store manager repeatedly accused them of stealing the hand trucks, threatened arrest,

disregarded the receipt and the cashier's confirmation of the sale, and detained the couple in the presence of a police officer and other customers. Mr. West remained at the store for nearly an hour under repeated threats of arrest, and both plaintiffs later required medical treatment, with Mrs. West's preexisting condition exacerbated.

PROCEDURAL HISTORY

At the close of plaintiffs' evidence, the trial court directed a verdict for King's Department Store on all three claims. The Court of Appeals affirmed, concluding that the evidence was insufficient to support a verdict for plaintiffs. The Supreme Court reversed as to Mr. West's false-imprisonment claim and both plaintiffs' intentional-infliction-of-emotional-distress claims, affirmed as to slander per se and Mrs. West's false-imprisonment claim, and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded to the Court of Appeals for further remand to the trial court for further proceedings not inconsistent with the opinion. The reversal applies to Mr. West's false-imprisonment claim and both plaintiffs' intentional-infliction-of-emotional-distress claims; the affirmance applies to the slander-per-se claims and Mrs. West's false-imprisonment claim.

CASES CITED

- Manganello v. Permastone, Inc., 291 N.C. 666, 231 S.E.2d 678 (1977)
- Anderson v. Butler, 284 N.C. 723, 202 S.E.2d 585 (1974)
- Black v. Clark's Greensboro, Inc., 263 N.C. 226, 139 S.E.2d 199 (1964)
- Hales v. McCrory-McLellan Corp., 260 N.C. 568, 133 S.E.2d 225 (1963)
- Presnell v. Pell, 298 N.C. 715, 260 S.E.2d 611 (1979)
- Morrow v. King's Department Stores, 57 N.C.App. 13, 290 S.E.2d 732, disc. rev. denied, 306 N.C. 385, 294 S.E.2d 210 (1982)
- Tyler v. Leggett, 246 N.C. 638, 99 S.E.2d 779 (1957)
- Stanback v. Stanback, 297 N.C. 181, 254 S.E.2d 611 (1979)
- Dickens v. Puryear, 302 N.C. 437, 276 S.E.2d 325 (1981)

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