

SUPREME COURT OF CALIFORNIA

Intel Corp. v. Hamidi

30 Cal. 4th 1342, 1 Cal. Rptr. 3d 32, 71 P.3d 296 (Cal. 2003) · No. S103781 · Decided June 30, 2003

SUMMARY

The Supreme Court of California held that sending unsolicited e-mails through Intel's computer system did not constitute trespass to chattels because the messages caused no damage to the system, impaired no functionality, and deprived Intel of no use. The court concluded that California trespass-to-chattels law requires injury to the personal property or a legally protected interest in it. The court reversed the injunction against the former employee's mailings.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	Werdegar, J.; Kennard, J.; Moreno, J.; Perren, J.; Brown, J.; Mosk, J.
JURISDICTION	California
DECIDED	June 30, 2003
DOCKET	S103781
DISPOSITION	reversed
PROCEDURAL POSTURE	Intel sued Hamidi and FACE-Intel for trespass to chattels and nuisance based on mass e-mails sent to Intel employees. The trial court granted Intel summary judgment and permanently enjoined further unsolicited e-mail to Intel computer addresses. The Court of Appeal affirmed, and the California Supreme Court reversed.
STANDARD OF REVIEW	Summary judgment is reviewed de novo; the reviewing court independently determines whether undisputed facts warrant judgment for the moving party as a matter of law.
PRECEDENTIAL VALUE	Published, precedential California Supreme Court opinion
PARTIES	Kourosch Kenneth Hamidi v. Intel Corporation

TOPICS

[trespass](#) [torts](#) [remedies](#) [employment law](#)

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether sending unsolicited electronic communications through Intel's computer system, without causing physical damage or functional impairment to the system, constitutes trespass to chattels under California law.
2. Whether California common law should be expanded to recognize a trespass claim based on harmless electronic communications whose contents distract or offend recipients.
3. Whether Intel was entitled to injunctive relief without proof of actual or threatened injury to its computer system or legally protected property interest.

HOLDINGS

1. Under California law, trespass to chattels does not encompass an electronic communication that neither damages the recipient computer system nor impairs its functioning or otherwise injures the possessor's legally protected interest in the property.
2. California common law should not be expanded to impose trespass liability for otherwise harmless electronic communications merely because they pass through a privately owned computer system.
3. Intel was not entitled to an injunction because it failed to show actual or threatened injury to its computer system or legally protected property interest.

KEY QUOTATIONS

“Such an electronic communication does not constitute an actionable trespass to personal property, i.e., the computer system, because it does not interfere with the possessor's use or possession of, or any other legally protected interest in, the personal property itself.” (1 Cal. Rptr. 3d at 36)

“Short of dispossession, personal injury, or physical damage (not present here), intermeddling is actionable only if “the chattel is impaired as to its condition, quality, or value, or [¶] ... the possessor is deprived of the use of the chattel for a substantial time.”” (1 Cal. Rptr. 3d at 44)

“We therefore decline to create an exception, covering Hamidi's unwanted electronic messages to Intel employees, to the general rule that a trespass to chattels is not actionable if it does not involve actual or threatened injury to the personal property or to the possessor's legally protected interest in the personal property.” (1 Cal. Rptr. 3d at 50)

FACTUAL BACKGROUND

Kourosh Kenneth Hamidi, a former Intel employee, sent six mass e-mails over approximately 21 months to thousands of current Intel employees criticizing Intel's employment practices and promoting FACE-Intel. Hamidi did not breach Intel's computer security, and the messages caused no physical damage, slowdown, loss of use, or functional impairment to Intel's computer system. Intel nevertheless spent staff time attempting to block the messages, and some employees and managers reacted to their contents.

PROCEDURAL HISTORY

Intel sought damages and injunctive relief, later dismissing its nuisance claim and waiving damages. FACE-Intel defaulted, while Hamidi appealed the summary judgment and injunction. The Court of Appeal affirmed in a divided decision; the Supreme Court granted review and reversed.

DISPOSITION

reversed

CASES CITED

- *Zaslow v. Kroenert*, 29 Cal. 2d 541, 551, 176 P.2d 1 (1946)
- *Thrifty-Tel, Inc. v. Bezenek*, 46 Cal. App. 4th 1559, 1566-1567, 54 Cal. Rptr. 2d 468 (1996)
- *Ticketmaster Corp. v. Tickets.com, Inc.*, 2000 WL 1887522, at *4 (C.D. Cal. Aug. 10, 2000)
- *CompuServe, Inc. v. Cyber Promotions, Inc.*, 962 F. Supp. 1015, 1021-1023 (S.D. Ohio 1997)
- *eBay, Inc. v. Bidder's Edge, Inc.*, 100 F. Supp. 2d 1058, 1065-1072 (N.D. Cal. 2000)
- *Register.com, Inc. v. Verio, Inc.*, 126 F. Supp. 2d 238, 248-251 (S.D.N.Y. 2000)
- *Galanty v. Paul Revere Life Ins. Co.*, 23 Cal. 4th 368, 374, 97 Cal. Rptr. 2d 67, 1 P.3d 658 (2000)
- *Norgart v. Upjohn Co.*, 21 Cal. 4th 383, 404, 87 Cal. Rptr. 2d 453, 981 P.2d 79 (1999)
- *San Diego Gas & Electric Co. v. Superior Court*, 13 Cal. 4th 893, 936-937, 55 Cal. Rptr. 2d 724, 920 P.2d 669 (1996)
- *Ferguson v. Friendfinders, Inc.*, 94 Cal. App. 4th 1255, 1267, 115 Cal. Rptr. 2d 258 (2002)
- *Mechanics' Foundry v. Ryall*, 75 Cal. 601, 603, 17 P. 703 (1888)
- *Mendelson v. McCabe*, 144 Cal. 230, 232-233, 77 P. 915 (1904)
- *Cohen v. Cowles Media Co.*, 501 U.S. 663, 668 (1991)
- *NAACP v. Claiborne Hardware Co.*, 458 U.S. 886, 916 n.51 (1982)
- *New York Times Co. v. Sullivan*, 376 U.S. 254, 265 (1964)
- *Madsen v. Women's Health Center, Inc.*, 512 U.S. 753, 765 (1994)
- *Bolger v. Youngs Drug Products Corp.*, 463 U.S. 60, 72-73 (1983)
- *Rowan v. United States Post Office Department*, 397 U.S. 728, 736-738 (1970)