

SUPREME COURT OF CALIFORNIA

State Rubbish Collectors Ass'n v. Siliznoff

38 Cal. 2d 330 (Cal. 1952) · No. L.A. 22158 · Decided January 29, 1952

SUMMARY

The Supreme Court of California affirmed a judgment arising from threats used to compel John W. Siliznoff to pay for a rubbish-collection account and join a trade association. The court recognized a cause of action for serious, intentional, and unprivileged infliction of emotional distress, even absent a technical assault or physical injury, and upheld the damages and related evidentiary rulings.

CASE DETAILS

COURT	Supreme Court of California
WRITING FOR THE COURT	Traynor, J.; Gibson, C.J.; Shenk, J.; Edmonds, J.; Carter, J.; Schauer, J.; Spence, J.
JURISDICTION	California
DECIDED	January 29, 1952
DOCKET	L.A. 22158
DISPOSITION	affirmed
PROCEDURAL POSTURE	The association sued to collect promissory notes executed by Siliznoff. Siliznoff cross-complained for cancellation of the notes and damages based on coercive threats. A jury found for Siliznoff on both the complaint and cross-complaint, awarding general and special damages and exemplary damages; the association appealed from the judgment.
STANDARD OF REVIEW	The court reviewed whether substantial evidence supported the judgment, evidentiary and instructional rulings for legal error, alleged attorney misconduct under the preservation requirement, and damages for abuse of discretion or passion and prejudice. An award approved by the trial court would not be disturbed absent a showing that the jury was influenced by passion or prejudice.
PRECEDENTIAL VALUE	Published California Supreme Court opinion; precedential
PARTIES	State Rubbish Collectors Association v. John W. Siliznoff

TOPICS

intentional infliction of emotional distress

torts

damages

commercial litigation

evidence

PRACTICE AREAS

Torts

Remedies

Commercial litigation

Contracts

Evidence

QUESTIONS PRESENTED

1. Whether intentional, unprivileged threats causing severe emotional distress are actionable even when the conduct does not constitute a technical assault because the threatened physical harm was not immediate.
2. Whether evidence of the association's threats against other nonmembers was relevant and admissible to show the association's methods.
3. Whether evidence concerning the property value of rubbish accounts was relevant to consideration for the notes.
4. Whether the association's internal dispute-resolution procedure constituted legal arbitration.
5. Whether the jury instruction concerning unlawful intent was legally sufficient.
6. Whether alleged misconduct during closing argument required reversal when no objection or request for admonition was made.
7. Whether the association could challenge the judgment because its agent was not separately named in the verdict.
8. Whether the damages were excessive.

HOLDINGS

1. A cause of action exists when a person, without privilege, intentionally subjects another to the mental suffering caused by serious threats to physical well-being, whether or not the threats constitute a technical assault. Intentional, unprivileged conduct causing severe emotional distress is tortious, and physical injury is not required for recovery for the emotional distress itself.
2. Evidence that the association threatened other nonmembers to force them to relinquish accounts was relevant and admissible to show the methods adopted by the association to protect its members from competition.
3. Evidence of the value of the Acme account was immaterial because Siliznoff obtained the account by soliciting Acme directly and had a right to compete for the business without paying Abramoff.
4. No legal arbitration occurred because Siliznoff did not join the association until after the dispute was purportedly settled and there was no evidence that he had previously agreed to submit the dispute to the association's board.
5. The general and special damages were supported by the record, and any excessiveness in the exemplary damages was cured by the trial court's reduction of the award to \$4,000.

KEY QUOTATIONS

“We have concluded, however, that a cause of action is established when it is shown that one, in the absence of any privilege, intentionally subjects another to the mental suffering incident to serious threats to his physical well-being, whether or not the threats are made under such circumstances as to constitute a technical assault.” (38 Cal. 2d at 336)

“There are persuasive arguments and analogies that support the recognition of a right to be free from serious, intentional, and unprivileged invasions of mental and emotional tranquillity.” (38 Cal. 2d at 338)

“In the present case plaintiff caused defendant to suffer extreme fright. By intentionally producing such fright it endeavored to compel him either to give up the Acme account or pay for it, and it had no right or privilege to adopt such coercive methods in competing for business. In these circumstances liability is clear.” (38 Cal. 2d at 339)

FACTUAL BACKGROUND

Siliznoff obtained a rubbish-collection account from Acme Brewing Company after Acme became dissatisfied with another collector, Abramoff. The State Rubbish Collectors Association pressured Siliznoff to pay Abramoff \$1,850 for the account and join the association, threatening physical violence, damage to his truck, and destruction of his business if he refused. Siliznoff agreed, executed promissory notes, and later sought cancellation and damages after experiencing severe fright, vomiting, illness, and lost work.

PROCEDURAL HISTORY

After the jury returned verdicts for Siliznoff, the trial court denied the association's motion for a new trial on the condition that Siliznoff consent to reducing exemplary damages from \$7,500 to \$4,000. Siliznoff consented, and the association appealed. The Supreme Court of California affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- Lowry v. Standard Oil Co., 63 Cal. App. 2d 1, 6-7, 146 P.2d 57 (1944)
- Newman v. Smith, Newman v. Smith, 77 Cal. 22, 27, 18 P. 791 (1888)
- Easton v. United Trade School Contr. Co., 173 Cal. 199, 204, 159 P. 597 (1916)
- Cook v. Maier, 33 Cal. App. 2d 581, 584, 92 P.2d 434 (1939)
- Emden v. Vitz, 88 Cal. App. 2d 313, 319, 198 P.2d 696 (1948)
- Bowden v. Spiegel, Inc., 96 Cal. App. 2d 793, 794-795, 216 P.2d 571 (1950)
- Richardson v. Pridmore, 97 Cal. App. 2d 124, 129-130, 217 P.2d 113 (1950)
- Deevy v. Tassi, 21 Cal. 2d 109, 120-121, 130 P.2d 389 (1943)
- Merrill v. Los Angeles Gas & Elec. Co., 158 Cal. 499, 513, 111 P. 534 (1910)
- Melvin v. Reid, 112 Cal. App. 285, 289, 297 P. 91 (1931)
- Evans v. Gibson, 220 Cal. 476, 482, 31 P.2d 389 (1934)

- People v. Coefield, 37 Cal. 2d 865, 869, 237 P.2d 570 (1951)
- Hardy v. Schirmer, 63 Cal. 272, 275, 124 P. 993 (1912)
- Perry v. City of San Diego, 80 Cal. App. 2d 166, 171-172, 181 P.2d 98 (1947)
- Cope v. Davison, 30 Cal. 2d 193, 202, 180 P.2d 873 (1947)
- Aydlott v. Key System Transit Co., 104 Cal. App. 621, 628, 286 P. 456 (1930)
- Brokaw v. Black-Foxe Military Institute, 37 Cal. 2d 274, 279-280, 231 P.2d 816 (1951)
- Finney v. Lockhart, 35 Cal. 2d 161, 164, 217 P.2d 19 (1950)
- Parrott v. Bank of America, 97 Cal. App. 2d 14, 25, 217 P.2d 89 (1950)

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