

I. Extreme and Outrageous

Indiana courts have adopted the Second Restatement's definition of extreme and outrageous conduct as actions that a reasonable person would find intolerable in a civilized community. See Bradley v. Hall, 720 N.E.2d 747 (Ind. Ct. App. 1999). The courts have interpreted this definition as a rigorous requirement and conduct is likely to be outrageous only if it is (1) an affirmative act that is (2) knowingly directed at a vulnerable victim and is (3) more than merely insulting, "inconsiderate," or "unkind." Inlow v. Wilkerson, 774 N.E.2d 51, 56 (Ind. Ct. App. 2002) (holding that there must be an affirmative act for this tort); Mitchell v. Stevenson, 677 N.E.2d 551 (Ind. Ct. App. 1997) (suggesting that the vulnerability of victims is important); Gable v. Curtis 673 N.E.2d 805, 810 (Ind. Ct. App. 1996) (stating that conduct must go beyond "inconsiderate" or "unkind"). Gordon's appearance at the burial is likely to meet these elements, and will therefore be held outrageous.

Comment [A1]: Try to ensure that the format of enumeration in your headings matches the format of your roadmap (Arabic numerals instead of Roman).

Comment [A2]: The use of headings for your elements here is an effective organizational strategy.

Comment [A3]: Effective start at a mini-roadmap to organize the sub-elements of your synthesized rule. When you rewrite, consider using a lower order of enumeration to better distinguish these from your main elements – perhaps (a), (b), (c) instead.

Also, for your third item in the list, it would be helpful to more specifically identify, either here or as a rule at the start of that sub-section, how much more than insulting, inconsiderate, or unkind the conduct must be, so that the reader has a better idea of where the line gets drawn between conduct that meets the third sub-element and conduct that does not.