

(1) Extreme and Outrageous Conduct

Extreme and outrageous conduct refers to acts that exceed all bounds tolerated by a decent society, defined in part by acts that violate prevailing cultural norms and values. Creel v. I.C.E. & Assoc., 771 N.E.2d 1276, 1282 (Ind. Ct. App. 2002). Actions that violate expected courtesy would be considered unreasonable but not sufficiently outrageous to create liability under Indiana law. See Gable v. Curtis, 673 N.E.2d 805, 810-11 (Ind. Ct. App. 1996); cf. Conwell v. Beatty, 667 N.E.2d 768, 777 (Ind. Ct. App. 1996) (holding that the overzealous execution of an otherwise tolerable act is not outrageous). The determination as to whether Mr. Gordon's conduct was extreme and outrageous may therefore turn on the point of whether his conduct violated a cultural norm in a manner beyond all tolerable decency; or whether he merely breached an expected courtesy consistent with accepted standards of behavior for a funeral.

**Comment [A1]:** Can you be more specific about what this means? What norms count? What kind of behavior do courts say violates (or doesn't violate) prevailing norms? See below for more on crafting a more precise rule or a more express mini-roadmap here.

**Comment [A2]:** Your reader will want to understand more about this important distinction, which seems to be your implicit rule for the section. When is an expected behavior a courtesy, and when does it rise to the level of a prevailing norm? The cases cited below suggest that sexual discrimination and harassment and disinterment are enough, while shouting over the phone is not. Can you draw a line between these behaviors that is more specific than cultural norm vs. expected courtesy to help the reader understand what kinds of behavior will count and what kinds will not be enough?

The structure of the discussion below suggests that this paragraph is intended to be a sort of mini-roadmap of the analysis that will follow. However, if you are able to craft a more precise rule that explains how the line gets drawn as suggested above, you can simply state that rule, cite the cases supporting it, and then start your analysis more immediately without needing an introductory paragraph. If you have trouble synthesizing a single rule and prefer to state a rule for what is outrageous and a rule for what is not, then consider creating a more express mini-roadmap to preview the parts of your analysis and how they fit together.