Severe Emotional Distress

EXHIBIT 5
DATE 2/7/07
HB 464

INSTRUCTION NO. _____

Emotional distress passes under various names, such as mental suffering, mental anguish, mental or nervous shock, or the like. It includes all highly unpleasant mental reactions, such as fright, horror, grief, shame, humiliation, embarrassment, anger, chagrin, disappointment, worry, and nausea. It is only where it is severe that the liability arises. Complete emotional tranquility is seldom attainable in this world, and some degree of transient and trivial emotional distress is a part of the price of living among people. The law intervenes only where the distress inflicted is so severe that no reasonable person could be expected to endure it. The intensity and duration of the distress are factors to be considered in determining its severity.

Given: _____
District Judge

Source: Restatement of Torts (Second), Sec. 46, cmt. J, cited by *Sacco v. High Country Independent Press, Inc.*, 271 Mont. 209, 896 P.2d 411 (1995), *Contreraz V. Michelotti-Sawyers*, 271 Mont. 300, 896 P.2d 1118 (1995).

Proposed by P(#_____), D(#_____), Ct(#_____)

Disposition G_____ R_____ W_____

MPI2d 15.03 Infliction of Severe Emotional Distress - Defined