

30.05.01 Measure of Damages--Emotional Distress--Past and Future

The emotional distress experienced [and reasonably certain to be experienced in the future].

Notes on Use

This element is to be inserted between the two paragraphs of IPI 30.01 when the evidence justifies its use and when the court rules that damages for emotional distress can be claimed.

Comment

Under certain circumstances, a plaintiff can recover damages for negligent infliction of emotional distress even in the absence of a physical impact. *Rickey v. Chicago Transit Auth.*, 98 Ill.2d 546, 457 N.E.2d 1, 75 Ill.Dec. 211 (1983); *Corgan v. Muehling*, 143 Ill.2d 296, 574 N.E.2d 602, 158 Ill.Dec. 489 (1991); *Lewis v. Westinghouse Electric Corp.*, 139 Ill.App.3d 634, 487 N.E.2d 1071, 94 Ill.Dec. 194 (1st Dist.1985); *Courtney v. St. Joseph Hosp.*, 149 Ill.App.3d 397, 500 N.E.2d 703, 102 Ill.Dec. 810 (1st Dist.1986); *Robbins v. Kass*, 163 Ill.App.3d 927, 516 N.E.2d 1023, 114 Ill.Dec. 868 (2d Dist.1987); *Koeller v. Cook County*, 180 Ill.App.3d 425, 535 N.E.2d 1118, 129 Ill.Dec. 353 (1st Dist.1989); *Seef v. Sutkus*, 205 Ill.App.3d 312, 562 N.E.2d 606, 150 Ill.Dec. 76 (1st Dist.1990), *aff'd on other grounds*, 145 Ill.2d 336, 583 N.E.2d 510, 164 Ill.Dec. 594 (1991); *Allen v. Otis Elevator Co.*, 206 Ill.App.3d 173, 563 N.E.2d 826, 150 Ill.Dec. 699 (1st Dist.1990); *Hayes v. Illinois Power Co.*, 225 Ill.App.3d 819, 587 N.E.2d 559, 167 Ill.Dec. 290 (4th Dist.1992); *Leonard v. Kurtz*, 234 Ill.App.3d 553, 600 N.E.2d 896, 175 Ill.Dec. 653 (3d Dist.1992); *Jarka v. Yellow Cab Co.*, 265 Ill.App.3d 366, 637 N.E.2d 1096, 202 Ill.Dec. 360 (1st Dist.1994). *See also Kapoulas v. Williams Ins. Agency, Inc.*, 11 F.3d 1380 (7th Cir.1993).

The United States Supreme Court has recognized a cause of action for negligent infliction of emotional distress under the Federal Employers' Liability Act. *Consolidated Rail Corp. v. Gottshall*, 512 U.S. 532, 114 S.Ct. 2396, 129 L.Ed.2d 427 (1994). *See Chapter 160, infra.*