

Transactional Torts

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Intentional Economic Interference

The Elements:

1. Valid contract or economic expectancy between plaintiff and third party (not defendant!)
2. Defendant's knowledge of contract or expectancy
3. Intent to interfere
4. Actually caused interference
5. Damages (to plaintiff, not third party)

NOTE: Wide ranging, nebulously defined "justifications" are the key defense.

Fraud

The Elements:

1. Material misrepresentation by defendant
2. Scierter
 - (at least recklessness; it's a lie)
3. Intent to induce reliance
4. Causation
 - (victim must be deceived; actual reliance)
5. Justifiable reliance
6. Damages