

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. Scienter
 - (at least recklessness; it's a lie)
3. Intent to induce reliance
4. Reliance
 - a. Actual reliance (causation)
(victim must be actually deceived)
 - b. Justifiable reliance
(must be reasonable in falling for it)
5. Damages (detriment)

Breach of Fiduciary Duty

The Elements:

1. Existence of Fiduciary Duty
2. Breach
3. Damages

Breach of Fiduciary Duty

Some circumstances creating fiduciary duty:

1. Trustee → Beneficiary
2. Agent → Principal
3. Attorney → Client
4. Officer → Corporation
5. Director (board member) → Corporation
6. Partner ↔ Partner (in biz partnership)
7. JVer ↔ JVer (in joint venture)