

Assignment example

Law



Eckenrode v. Life of America Insurance Company Question Federal courts are only under jurisdiction to be charged with federal crimes, civil matters arising out of federal statutes and other cases between citizens who came from different states. State court on the other hand deals with the criminal and national matters which fall under local law. The said matters are not wholly reversed to federal courts. From the reading this case was dismissed by district court, and on appealing it was reversed by judges United States Court of Appeals, Seventh Circuit in presumption that the Supreme Court of Illinois would have done the same, while citing several state decisions as guidance of judgment.

Question 2

The relevant facts that the court took into consideration in making their decision,

In the opinion of court "pain and suffering" and "mental suffering" are core elements of damage. In that regard, they lead to personal injury as well as malicious prosecution cases. Therefore, failure of the insurer to owner the insurance contract caused the plaintiff to suffer emotionally due to the that she was in dare need money to support her family, thus inviting the "compromise" of her claim.

Question3

The issue is whether the plaintiff who is the beneficiary of the estate. That is insurance policy cover of her deceased husband suffered any loss after as a result of denial compensation by the insurer on her bide thereof. The court also adopted objective standard to measure the severe emotional distress suffered by plaintiff due to the variation of mental consequences suffered by individuals in justification of their decision.

Question 4

This case is governed by Illinois law as abases in determining the matter at hand in recover the damages suffered by plaintiff due to a sever distress. There are also some cases of this similar which have been handle by the supreme court of Illinois, it now become prudent to make such presumption based on references thereto.

Question 5

The information in paragraph 8 has been organized in way that produce a clear picture in elaborating the issue and facts that would substantiate the matter alleged. The connector; " as to the reason that" has been used to transition from one element of other parts of the paragraph to another.

Question 6

The mental disorder is unqualified of financial measure as opposed to the reaction of court that mental distress is rudiments of damage.

Question 7

The facts in 1961 Kanierim case were a bit similar with those in the case being determined. An intentional cause of severe emotional distress which is outrageous conducts resulting to tort.

Question 8

The California court case of Siliznoff, Crisci, and Fletcher, are very precedence in determining the alleged act of insurer in law of tort. In these cases the judgment was affirmed by the supreme court of California where a damage of \$25, 000 was paid in compensation of mental suffering caused by insurance company in their refusal to owner the settlement within the limit of the liability policy.

Question 9

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1. Outrageous conduct caused by defendant.
2. The conduct must be intentional and reckless.
3. The emotional suffering caused must be as a result the conduct.

Question 10

The objective of procuring the insurance life policy is to ensure continual economic and mental welfare. Never the less all these are directed to benefit the beneficiaries since the policy holder shall have perished leading the risk to its effect.

Question 11

The dismissal of the district Court will be reversed and plaintiff shall be able to recover the damages suffered.

Question 12

Yes, the infliction of emotional distress amount to new tort together with the legal precedents. Recognizing this in relation to new tort, it leads to frivolous claims that the court observes in trial of facts which on their own experience would draw a line between " slight burts" and " outrageous conduct".

Question 13

Hypothetically the case would have been decided in reverse direction since, the implied economic coercion would have not happened on the part of insurer.

Work Cited

Baez, Beau. Tort Law in the Usa. Alphen aan den Rijn, The Netherlands: Kluwer Law International, 2010. Print.