

No. 1-07-0088

inconvenience, humiliation and emotion[al] distress,” plaintiff clearly did not allege the requisite “severe” or “serious” emotional damage required to overcome a section 2-615 challenge. See Hiscott, 324 Ill. App. 3d at 126; Kirk, 117 Ill. 2d at 516.

Intentional Infliction of Emotional Distress

Next, plaintiff contends that the trial court erred where it dismissed her claim for intentional infliction of emotional distress pursuant to defendant’s section 2-615 motion to dismiss. We disagree.

To state a cause of action for the intentional infliction of emotional distress, a plaintiff must allege that: (1) the defendant's conduct was truly extreme and outrageous; (2) the defendant either intended that his conduct inflict severe emotional distress, or knew that there was at least a high probability that his conduct would cause severe emotional distress; and (3) the defendant's conduct did in fact cause severe emotional distress. Kolegas v. Heftel Broadcasting Corp., 154 Ill. 2d 1, 20 (1992). Liability for this tort does not extend to “mere insults, indignities, threats, annoyances, petty oppressions or trivialities.” Graham v. Commonwealth Edison Co., 318 Ill. App. 3d 736, 745 (2000). Liability only attaches in circumstances where the defendant's conduct is “so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency.” Public Finance Corp. v. Davis, 66 Ill. 2d 85, 89-90 (1976) quoting Restatement (Second) of Torts, § 46, comment d (1965). The distress inflicted must be so severe that no reasonable person could be expected to endure it. McGrath v. Fahey, 126 Ill. 2d 78, 86 (1988).

Our first inquiry is whether plaintiff has alleged conduct on the part of defendant that was extreme and outrageous. We find that she has not. Plaintiff alleged that: