

No. 1-07-0088

“100. [Defendant] intentionally inflicted financial hardship and emotional distress to Plaintiff, by towing back the car and keeping the money for more than fifteen months, by ignoring Plaintiff’s request, sending “Thank You” notes to Plaintiff. Further, [defendant] falsified a “September 10, 2003 letter”

101. [Defendant’s] conduct was extreme and outrageous. It knew or should have known that emotion [*sic*] distress was the likely result of its conducts. [*sic*].

Because of [defendant’s] conducts [*sic*], which are beyond any human decency, Plaintiff suffered inconvenience, humiliation and embarrassment every day when she went to work. The emotional distress sustained by Plaintiff was severe and of a nature that reasonable person could not expected [*sic*] to endure.”

Even assuming these allegations are true, this behavior does not qualify as extreme or outrageous as courts and the Restatement have defined those terms. See Graham, 318 Ill. App. 3d at 745; Public Finance Corp., 66 Ill. 2d at 89-90. Nor does “inconvenience, humiliation and embarrassment” rise to the level of inflicted distress required to withstand a section 2-615 motion to dismiss. See McGrath, 126 Ill. 2d at 86. The trial court did not err where it dismissed claims 7 and 8 for failure to state a claim upon which relief can be granted.

We note that plaintiff also contends that defendant’s section 2-615 motion to dismiss was not properly before the trial court. Specifically, plaintiff argues that the motion was “stricken, without prejudice” in one courtroom on October 20, 2005, but dismissed in another courtroom on November 8, 2005, after the case was transferred. The record on appeal includes an October 20, 2005, order stating that defendant’s motion to dismiss “is stricken, without prejudice.” The