

TABLE OF CONTENTS

1

ABUSE OF PROCESS

A.	Definition	1-1
B.	Elements.....	1-2
C.	Elements Defined	1-2
1.	An Ulterior Motive or Purpose	1-2
2.	An Act in Use of Legal Process Not Proper in Regular Prosecution of Proceeding	1-3
D.	Defenses	1-5
E.	Remedies	1-5

2

ACTION ON ACCOUNT STATED

A.	Definition	2-1
B.	Elements.....	2-2
C.	Elements Defined	2-2
1.	Calculation of Balance Due	2-2
2.	Submission of Statement.....	2-3
3.	Acknowledgment of Correctness of Statement.....	2-3
4.	Promise, Express or Implied, to Pay Balance Due	2-3
D.	Defenses	2-4
E.	Remedies	2-4

3

ALIENATION OF AFFECTION

A.	Definition	3-1
B.	Elements.....	3-2
C.	Elements Defined	3-3
1.	Parties to Marriage were Happily Married with Genuine Love and Affection Existing Between Them	3-3
2.	Love and Affection was Alienated and Destroyed.....	3-3
3.	Wrongful and Malicious Acts by Defendant Causing Loss and Alienation	3-4
D.	Defenses	3-6
E.	Remedies	3-7

4

ANIMAL INJURY LIABILITY

A.	Definition	4-1
B.	Elements.....	4-1
C.	Elements Defined	4-1
1.	Animal is Considered as Having a Vicious Propensity.....	4-1
2.	Owner or Keeper Knew or Should Have Known	4-1
D.	Other Causes of Action	4-2
E.	Defenses	4-2
F.	Damages.....	4-2

5

ASSAULT

A.	Definition	5-1
B.	Elements.....	5-1
C.	Elements Defined	5-1

1.	Causing an Offensive or Harmful Physical Contact with Plaintiff.....	5-1
2.	Reasonable Apprehension by Plaintiff.....	5-2
3.	Of Imminent Threat of Physical Injury.....	5-2
D.	Defenses.....	5-2
E.	Damages.....	5-2

6

ATTORNEY MALPRACTICE

A.	Definition	6-1
B.	Elements.....	6-2
C.	Elements Defined	6-2
1.	Breach of Duty	6-2
2.	Proximate Causation	6-6
3.	Damages.....	6-8
D.	Defenses	6-9
E.	Damages.....	6-11

7

BATTERY

A.	Definition	7-1
B.	Elements.....	7-1
C.	Elements Defined	7-1
1.	Intent to Cause Offensive or Harmful Physical Contact with Plaintiff	7-1
2.	Contact Occurred	7-2
3.	No Consent to Contact by Plaintiff.....	7-2
D.	Defenses	7-2
E.	Damages.....	7-2

8

BLACKLISTING IN EMPLOYMENT

A.	Definition	8-1
B.	Elements.....	8-2
C.	Elements Defined.....	8-2
1.	Defendant was Plaintiff’s Employer	8-2
2.	Defendant Discharged Plaintiff.....	8-3
3.	Without Solicitation, Defendant Prevents or Attempts to Prevent Plaintiff from Obtaining Employment with Another Employer	8-3
D.	Defenses	8-4
E.	Remedies.....	8-4

9

BREACH OF CONTRACT

A.	Definition	9-1
B.	Elements.....	9-1
C.	Elements Defined.....	9-2
1.	Valid Contract	9-2
2.	Breach of Contract Terms	9-4
D.	Defenses	9-4
E.	Remedies.....	9-5

10

CHAMPERTY & MAINTENANCE

A.	Definition	10-1
B.	Elements.....	10-3
C.	Elements Defined.....	10-3
1.	Officious Intermeddling in a Suit.....	10-3
2.	Suit Does Not Belong to Meddler.....	10-4

3.	Meddler Maintains or Assists Either Party with Money or Otherwise to Prosecute or Defend the Action.....	10-6
4.	Compensation for Unlawful Interference by Bargain for Part of Matter in Suit or Some Profit Growing Out of It.....	10-8
D.	Defenses	10-9
E.	Remedies.....	10-9

11

CIVIL CONSPIRACY

A.	Definition	11-1
B.	Elements.....	11-2
C.	Elements Defined.....	11-2
1.	An Agreement Between Two or More Individuals	11-2
2.	An Unlawful Act or a Lawful Act Done in an Unlawful Way ...	11-3
3.	Injury to Plaintiff.....	11-4
D.	Defenses	11-4
E.	Remedies.....	11-5

12

CONSTRUCTIVE FRAUD

A.	Definition	12-1
B.	Elements.....	12-1
C.	Elements Defined.....	12-2
1.	Relationship of Trust and Confidence.....	12-2
2.	Defendant Took Advantage of Position of Trust to Hurt of Plaintiff.....	12-3
D.	Defenses	12-4
E.	Remedies.....	12-5

13

CONVERSION

A.	Definition	13-1
B.	Elements.....	13-1
C.	Elements Defined.....	13-1
1.	Personal Property of Plaintiff.....	13-1
2.	Defendant Converted the Property.....	13-2
D.	Defenses.....	13-2
E.	Damages.....	13-3

14

CRIMINAL CONVERSATION (ADULTERY)

A.	Definition	14-1
B.	Elements.....	14-1
C.	Elements Defined.....	14-2
1.	Marriage Between the Spouses.....	14-2
2.	Sexual Intercourse Between Defendant and Plaintiff's Spouse During the Marriage	14-2
D.	Defenses.....	14-4
E.	Remedies.....	14-4

15

NC DEBT COLLECTION ACT VIOLATIONS

A.	Definition	15-1
B.	Elements.....	15-2
C.	Elements Defined.....	15-2
1.	Debt.....	15-2
2.	Consumer	15-3
3.	Debt Collector.....	15-3
4.	An Unfair Act In or Affecting Commerce Proximately Causing Injury.....	15-3

D.	Defenses	15-5
E.	Remedies	15-6

16

DEFAMATION

A.	Definition	16-1
B.	Elements.....	16-1
C.	Elements Defined	16-1
1.	False, Defamatory Statement of or Concerning Plaintiff.....	16-1
2.	Published to a Third Party.....	16-2
3.	Causing Injury to Plaintiff (Libel/Slander per se and per quod)	16-2
D.	Defenses	16-3
1.	Statute of Limitations.....	16-3
2.	Qualified Privileges	16-3
3.	Truth.....	16-4
4.	Opinion	16-4
5.	Public Figure or Public Concern.....	16-4
E.	Damages.....	16-5

17

DRAM SHOP ACT VIOLATIONS

A.	Definition	17-1
B.	Elements.....	17-2
C.	Elements Defined	17-2
1.	Plaintiff is “Aggrieved Party”	17-2
2.	Defendant Negligently Sold or Furnished Alcohol to Underage Person	17-3
3.	Consumption of Alcoholic Beverage Sold or Furnished to Underage Person Caused or Contributed to, in Whole or in Part, Underage Person Being Subject to Impairing Substance at Time of Injury	17-3
4.	Injury was Proximately Caused by Underage Driver’s Negligent Operation of a Vehicle While so Impaired	17-4

D.	Defenses	17-5
E.	Remedies	17-5

18

EJECTMENT

A.	Definition	18-1
B.	Elements.....	18-2
C.	Elements Defined	18-2
1.	Landlord-Tenant Relationship	18-2
2.	A Statutory Violation	18-3
D.	Defenses	18-4
E.	Remedies	18-5

19

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

A.	Definition	19-1
B.	Elements.....	19-1
C.	Elements Defined	19-1
1.	Extreme and Outrageous Conduct	19-1
2.	Intent of Causing the Plaintiff Severe Emotional Distress	19-2
3.	Defendant Caused Plaintiff's Emotional Distress.....	19-2
D.	Defenses	19-2
E.	Damages.....	19-2

20

FALSE IMPRISONMENT

A.	Definition	20-1
B.	Elements.....	20-1
C.	Elements Defined	20-1

1.	Defendant Intentionally Detained the Plaintiff	20-1
2.	Unlawful Detention	20-2
D.	Defenses	20-2
E.	Damages	20-2

21

INTENTIONAL INTERFERENCE WITH INHERITANCE

A.	Definition	21-1
B.	Elements	21-2
C.	Elements Defined	21-2
1.	A Valid Expectancy	21-2
2.	Intentional Interference with the Expectancy	21-3
3.	Independently Tortious Conduct	21-3
4.	Reasonable Certainty that Absent the Tortious Interference the Plaintiff Would Have Received the Expectancy	21-4
5.	Damages	21-4
6.	A Will Contest Will Not Be an Adequate Remedy	21-4
D.	Defenses	21-6
E.	Remedies	21-6

22

INVASION OF PRIVACY

A.	Definition	22-1
B.	Elements	22-1
1.	Appropriation of Another's Name and Likeness	22-1
2.	Unreasonable Intrusion Upon the Seclusion of Another	22-2
C.	Defenses	22-2
D.	Damages	22-2

23

MALICIOUS & WRONGFUL ATTACHMENT

A.	Definition	23-1
B.	Elements.....	23-2
C.	Elements Defined.....	23-3
1.	Lack of Probable Cause for Believing That Alleged Ground for Attachment Existed	23-3
2.	Malice	23-4
3.	Order of Attachment was Actually Levied on Property and Plaintiff was Deprived of Right to Use Property for Any Legitimate Purpose.....	23-5
4.	Attachment Proceeding Legally Terminated in Favor of Attachment Defendant	23-5
5.	Damages.....	23-5
D.	Defenses.....	23-6
E.	Remedies.....	23-6

24

MALICIOUS PROSECUTION

A.	Definition	24-1
B.	Elements.....	24-2
C.	Elements Defined.....	24-2
1.	Defendant Initiated the Previous Proceeding.....	24-2
2.	Malice	24-4
3.	Lack of Probable Cause	24-5
4.	Termination of the Prior Proceeding in Plaintiff's Favor	24-8
5.	Special Damages	24-9
D.	Defenses.....	24-10
E.	Remedies.....	24-10

25

MEDICAL MALPRACTICE

A.	Definition	25-1
B.	Elements.....	25-1
C.	Elements Defined.....	25-1
	1. Standard of Care	25-1
	2. Breach	25-2
	3. Injury and Proximate Cause.....	25-4
D.	Defenses.....	25-5
	1. Statute of Limitations.....	25-5
	2. Sovereign Immunity.....	25-5
	3. Assumption of Risk.....	25-6
	4. Contributory Negligence.....	25-6
E.	Damages.....	25-6

26

MONEY HAD & RECEIVED

A.	Definition	26-1
B.	Elements.....	26-2
C.	Elements Defined.....	26-2
	1. Defendant Has Money in Hand That Belongs to Plaintiff.....	26-2
	2. In Equity/Good Conscience, Defendant Ought to Pay Money to Plaintiff.....	26-3
D.	Defenses.....	26-4
E.	Remedies.....	26-4

27

NEGLIGENCE

A.	Definition	27-1
B.	Elements.....	27-1

C.	Elements Defined	27-1
1.	Duty	27-1
2.	Breach	27-2
3.	Injury and Proximate Cause.....	27-3
D.	Defenses.....	27-3
1.	Statute of Limitations.....	27-3
2.	Sovereign Immunity.....	27-4
3.	Assumption of Risk.....	27-4
4.	Contributory Negligence.....	27-4
E.	Damages.....	27-5

28

NEGLIGENT MISREPRESENTATION

A.	Definition	28-1
B.	Elements.....	28-1
C.	Elements Defined	28-2
1.	Defendant Supplied Information to Plaintiff	28-2
2.	Defendant Intended for Plaintiff to Rely on the Information.....	28-3
3.	The Information Was False	28-4
4.	Defendant Failed to Use Reasonable Care or Competence in Obtaining or Communicating the Information	28-5
5.	Plaintiff Relied on the Information	28-6
6.	Reliance Caused Financial Damage to Plaintiff	28-7
D.	Defenses.....	28-8
E.	Remedies.....	28-8

29

OBSTRUCTION OF JUSTICE

A.	Definition	29-1
B.	Elements.....	29-1
C.	Elements Defined	29-2
1.	A Wrongful Act that Violates Common-Law Concept of Obstruction of Justice	29-2

2.	Intent to Obstruct Justice	29-4
3.	Damage to Plaintiff as a Result of Defendant's Action	29-5
D.	Defenses	29-5
E.	Remedies	29-6

30

PRIVATE NUISANCE

A.	Definition	30-1
B.	Elements.....	30-3
C.	Elements Defined	30-3
1.	Improper or Unreasonable Use of Defendant's Property.....	30-3
2.	Substantial Interference with Plaintiff's Use and Enjoyment of His or Her Property	30-4
D.	Defenses	30-6
E.	Remedies	30-7

31

PRODUCTS LIABILITY – BREACH OF IMPLIED WARRANTY OF MERCHANTABILITY

A.	Definition	31-1
B.	Elements.....	31-2
C.	Elements Defined	31-2
1.	Goods Subject to Warranty	31-2
2.	Goods Were Defective	31-3
3.	Defective Goods Caused Injury	31-3
4.	Injury Resulted in Damages.....	31-3
D.	Defenses	31-4
1.	Statute of Limitations.....	31-4
2.	Other Statutory Defenses	31-4
3.	Contributory Negligence.....	31-7
E.	Damages.....	31-7

32

QUIET TITLE

A.	Definition	32-1
B.	Elements.....	32-3
C.	Elements Defined.....	32-3
1.	Plaintiff Owns the Land in Controversy, or Has Some Estate or Interest in It.....	32-3
2.	Defendant Asserts Some Claim in the Land That is Adverse to Plaintiff's Title, Estate or Interest	32-6
D.	Defenses.....	32-7
E.	Remedies.....	32-8

33

SLANDER OF TITLE

A.	Definition	33-1
B.	Elements.....	33-1
C.	Elements Defined.....	33-2
1.	Uttering of Slandorous Words in Regard to Title of Someone's Property	33-2
2.	Falsity of the Words	33-3
3.	Malice	33-3
4.	Special Damages	33-4
D.	Defenses.....	33-4
E.	Remedies.....	33-5

34

TRESPASS

A.	Definition	34-1
B.	Elements.....	34-1
C.	Elements Defined.....	34-1

1.	Plaintiff was in Possession of Property at Time of Alleged Trespass.....	34-1
2.	Defendant Made an Unauthorized Entry	34-3
3.	Plaintiff was Damaged By Invasion of His/Her Rights of Possession.....	34-5
D.	Defenses.....	34-6
E.	Remedies.....	34-7

35

UNFAIR & DECEPTIVE TRADE PRACTICES ACT VIOLATIONS

A.	Definition	35-1
B.	Elements.....	35-2
C.	Elements Defined	35-2
1.	Unfair/Deceptive Act/Practice or Unfair Method of Competition	35-2
2.	In or Affecting Commerce	35-8
3.	Actual Injury Proximately Caused to Plaintiff or His/Her Business	35-8
D.	Defenses.....	35-9
E.	Remedies.....	35-9

36

WASTE

A.	Definition	36-1
B.	Elements.....	36-1
C.	Elements Defined	36-2
1.	Misuse or Destruction of Property	36-2
2.	Defendant is Lawfully in Possession of the Property	36-2
3.	Prejudice to Estate or Interest of Another	36-2
D.	Defenses.....	36-3
E.	Remedies.....	36-4

37

WRONGFUL CONCEPTION/BIRTH/LIFE

A.	Definition	37-1
B.	Elements.....	37-3
C.	Elements Defined.....	37-3
1.	A Duty	37-3
2.	Breach of Duty	37-4
3.	Damages or Injuries Proximately Resulting from the Breach ...	37-5
D.	Defenses.....	37-5
E.	Remedies.....	37-6

38

WRONGFUL DEATH

A.	Definition	38-1
B.	Elements.....	38-2
C.	Elements Defined.....	38-3
1.	A Wrongful Act, Neglect or Default that Would Have Entitled Decedent to Action for Damages Had He/She Lived...	38-3
2.	The Wrongful Act or Omission Caused Decedent's Death.....	38-3
3.	Damages Allowed Under the Statute	38-4
D.	Defenses.....	38-4
E.	Remedies.....	38-6

39

WRONGFUL FORECLOSURE

A.	Definition	39-1
B.	Elements.....	39-1
C.	Elements Defined.....	39-2
1.	An Act of Foreclosure.....	39-2
2.	Wrongfulness	39-2

3.	Damages.....	39-3
D.	Defenses.....	39-3
E.	Remedies.....	39-3

40

WRONGFUL INTERFERENCE WITH CONTRACT

A.	Definition	40-1
B.	Elements.....	40-1
C.	Elements Defined.....	40-2
1.	Valid Contract Between Plaintiff and Third Person that Confers on Plaintiff Contractual Right Against Third Person ...	40-2
2.	Defendant Knows of the Contract.....	40-2
3.	Defendant Intentionally Induced Third Person Not to Perform the Contract.....	40-3
4.	Defendant Acted Without Justification	40-4
5.	Actual Damage to Plaintiff	40-6
D.	Defenses.....	40-7
E.	Remedies.....	40-8