

CAUSES OF ACTION AND FACTUAL EVIDENCE

Cause of Action	Jury Instruction	Factual Evidence
<p>Slander per se</p>	<ul style="list-style-type: none"> Defendant made the following statement (quote the statement) Published the statement; communicated statement to more than one person Statement is false Defendant knew the statement was false or failed to exercise ordinary care in order to determine whether the statement was false. 	<p>██████████ deposition</p> <p>6:19 to 12:9 Discussion on Exhibit ██████████ and reporting of the incident to police.</p> <p>16:23-25; 17:1-2 – ██████████ alleged ██████████ stealing ██████████.</p> <p>23:1-13; 23:19-24 ██████████’s approval regarding removal of ██████████</p> <p>25:7-10 emails destroyed</p> <p>26:5-12 ██████████’s suspicion that Defendants were investigating against Plaintiff but informs that the emails relating to crime are destroyed.</p> <p>28:9-13; 28:17-24 ██████████’s statement that there is no intention to ██████████</p> <p>29:21-25; 30:1-3 ██████████’s statement that Plaintiff had done what he was supposed to do. ██████████’s opinion that ██████████ did not know the policy and miscommunicated it.</p> <p>49:4-14 ██████████ closed investigation upon finding that Plaintiff did not violate any policy</p> <p>74: 15-19 ██████████ was permitted to take some old parts in a ██████████.</p> <p>██████████ deposition</p> <p>32:22-25; 33:2-17 ██████████ had the complete authority to deal with removal of ██████████.</p> <p>37:22-25; 38:1-6 did not know whether ██████████ committed criminal acts or theft</p> <p>55:23-25 ██████████ communicated about the incident to ██████████</p>

62:22-25; 63:13-20; 64:22-23 [REDACTED]
selling [REDACTED] in eBay not a
factor for his termination

69:24-25; 70:1-17 [REDACTED] reporting
about [REDACTED] to Police after his
termination.

[REDACTED] deposition

13:8-25; 14:1-19 informing [REDACTED]
about the incident and the email from
[REDACTED] to [REDACTED].

117:21-25; 118:1-7 No company
policy denying that scrapped materials
cannot be kept with a person

Discovery

[REDACTED] Responses to Plaintiff's
first set of discovery requests.
Response to Interrogatory 13
[REDACTED] after receipt of Plaintiff's
email sought assistance of [REDACTED] in
investigation against Plaintiff

[REDACTED] Responses to Plaintiff's
first set of discovery requests.
Response to Interrogatory 16 – [REDACTED]
decided for police investigation

Plaintiff's Exhibits

Exhibit 35, 36 and 37 email and text
communication with [REDACTED]
approving the [REDACTED]

Exhibit 46 Incident Report classifies
the incident as Embezzlement.
Narrative stated employee [REDACTED]
[REDACTED] worth \$ [REDACTED],000.00.
Handwritten information along with
the information mentions the
Reporting Person as [REDACTED].

Plaintiff's narrative stated that he was
coerced to write the statement for
[REDACTED]

IIED

- Extreme and outrageous conduct
- Intended to cause emotional distress
- Caused severe emotional distress

Severe emotional distress:
Neurosis, Psychosis, Chronic depression, Phobia, severe and disabling emotional or mental condition generally recognized and diagnosed by professionals trained to do so.

Do not include mere fright or anxiety

██████████ deposition

120:10-20 details of meeting with ██████████ and ██████████ and ██████████ stating that he had informed ██████████ not to take the company vehicle without approval.

123:12-18 compelling ██████████ to write that he will not sell ██████████ on eBay

125:1-3 assured ██████████ that he will have his job.

153:9-12 Information on treatment with Dr. ██████████ related to the conduct of Defendants and increase in anxiety

159:24-25; 160:1-4 prescription of Sertraline to ██████████

161:13-14 Rise in anxiety due to termination

162:9-25; 163:1-10 Details of experiencing emotional distress after ██████████.

163:22-25; 164:1 Since ██████████ is diagnosed with anxiety, panic attacks, depression.

165:7-9 loss of opportunities in getting jobs because of defamation of character

189:5-21 Details of incidents where people outside ██████████ referred ██████████ as thief.

██████████ deposition

60:17-21 ██████████ made ██████████ to write the note.

Discovery

Plaintiff's Response to Interrogatory 4 information on treatment with Dr. ██████████ since January ██████████.

NORALEX

		<p>Plaintiff Response to Interrogatory 7 Injury suffered as a result of Defendant's action</p> <p>█ Responses to Plaintiff's first set of discovery requests. Response to Interrogatory 16 – █ decided for police investigation</p>
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<p>NIED</p>	<ul style="list-style-type: none"> • Defendant was negligent • Plaintiff suffered emotional distress • Defendant's negligence was proximate cause of emotional distress 	<p>█ deposition</p> <p>45:25; 46:1-19 Exhibit █ discussion on █ use policy. Document silent on Plaintiff's personal use.</p> <p>62:22-25; 63:13-20; 64:22-23 █ selling █ in eBay not a factor for his termination</p> <p>█ deposition</p> <p>26:9-19 Defendants allege conflict of interest but regarding conflict of interest, █ states that there is no policy that says a █ technician can't work on other █</p> <p>28:1-19 regarding the allegation against Plaintiff with respect to █ records and time cards, █ could not cite to a particular policy preventing Plaintiff's acts.</p> <p>53:12-23; 104:9-16 there is no written policy on █. █ did not rely on any policy while conducting his investigation.</p> <p>55:18-24; 56:1-4 █ admits that there is zero tolerance for theft but also admits that it was █'s decision whether to terminate or not.</p> <p>117:21-25; 118:1-7 No company policy denying that █ materials cannot be kept with a person.</p>
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		<p>█████ deposition</p> <p>29:21-25; 30:1-3 █████'s statement that Plaintiff had done what he was supposed to do. █████'s opinion that █████ did not know the policy and miscommunicated it.</p> <p>Discovery</p> <p>█████ Responses to Plaintiff's first set of discovery requests. Response to Interrogatory 8 █████ started investigating against Plaintiff after receipt of the email.</p>
<p>Negligent Hiring & Retention</p>	<ul style="list-style-type: none"> • Defendant has a legal duty • Employee causing injury was incompetent • Before injury Defendant had knowledge of employee's incompetence • Incompetence proximate cause of injury 	<p>█████ deposition</p> <p>47:16-25; 48:1-2 interview with █████ and the decision to terminate. █████ management's opinion to support █████'s decision</p> <p>█████ deposition</p> <p>9:10-20 █████ is the loss prevention manager who investigated Plaintiffs incident but apart from several onboard training he did not receive training specific in █████.</p> <p>11:20-21 it appears that no certificate of completion is given on completing training.</p> <p>117:21-25; 118:1-7 No company policy denying that █████ materials cannot be kept with a person</p> <p>█████ deposition</p> <p>29:21-25; 30:1-3 █████'s statement that Plaintiff had done what he was supposed to do. █████'s opinion that █████ did not know the policy and miscommunicated it.</p> <p>Discovery</p> <p>Plaintiff's Response to Interrogatory 1 █████ initiated investigation against Plaintiff after Plaintiff</p>

		<p>mistakenly sent the email to [REDACTED] regarding the [REDACTED]</p> <p>[REDACTED] Response to Plaintiff's Discovery Requests. Response to Interrogatory 9, 10 [REDACTED] started investigating against Plaintiff after receipt of the email. [REDACTED] was present for the interview with [REDACTED] decided to terminate Plaintiff.</p> <p>[REDACTED] Response to Plaintiff's Discovery Requests. Response to Interrogatory 18 [REDACTED] has authority to authorise removal of [REDACTED]</p> <p>[REDACTED] Responses to Plaintiff's first set of discovery requests. Response to Interrogatory 8 [REDACTED] started investigating against Plaintiff after receipt of the email.</p>
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