

## **INTER-OFFICE MEMORANDUM**

TO: Attorney

FROM: Paralegal

RE: Intentional Infliction of Emotional Distress – Margie Walker

DATE: 15 November 2025

---

### **QUESTION PRESENTED**

Does Margie Walker have a genuine case for Intentional Infliction of Emotional Distress (IIED) against Webury Funeral Home for receiving her deceased husband's organs in a personal-effects package?

---

### **SHORT ANSWER**

Yes. The facts strongly support a claim for IIED. Webury's conduct, sending a grieving widow a package containing her husband's heart, liver, and kidney with no warning, can be characterized as extreme and outrageous, especially because funeral homes owe heightened duties of sensitivity. Margie suffered severe emotional distress, including fainting, hospitalization, medication, and ongoing psychological harm. Case law supports recovery where a defendant mishandles a corpse or causes trauma to close family members during death-related services.

---

### **FACTS**

Margie and Floyd Walker were married for 45 years. Floyd died in a tragic workplace accident and his belongings were placed in a chest labeled "urgent" and delivered to Margie the same day. One bag inside the chest contained clothing and personal effects; another bag previously on ice contained Floyd's heart, kidney, and liver. When Margie opened the chest a week later and discovered the organs, she fainted and was later hospitalized for exhaustion. She continues to experience depression, insomnia, nightmares, and anxiety. When she contacted Webury Funeral Home, the owner disclaimed responsibility and stated that he does not review what employees place in packages.

---

## APPLICABLE LAW

A plaintiff must establish three elements to prevail on a claim for IIED:

1. Extreme and outrageous conduct by the defendant.
2. Intent to cause emotional distress or reckless disregard of the probability of causing emotional distress.
3. Severe emotional distress suffered by the plaintiff.

(See Nunez v. S. Melgar Investigations, Inc. for standard and analysis of each element.)

California courts also recognize a heightened duty placed on funeral homes and mortuaries, and have long held that mishandling a corpse can constitute outrageous conduct (Christensen v. Superior Court, 54 Cal.3d 868).

---

## ANALYSIS

### 1. Extreme and Outrageous Conduct

Under Nunez, conduct is outrageous if it is “so extreme as to exceed all bounds tolerated in a civilized community.” The court emphasized that outrageousness depends on context, especially the plaintiff’s vulnerability.

Here, Webury Funeral Home sent a widow a bag containing her husband’s vital organs with no warning or explanation. In death-related services, courts impose a heightened standard of care because families are uniquely vulnerable (Christensen). Mishandling remains or delivering body parts in a casual, unreviewed package easily satisfies the “extreme and outrageous” threshold.

Additionally, Mr. Mortis admitted he does not check what employees include in a package, and he responded dismissively when Margie called. A jury could find this callous disregard shocking and beyond all bounds of decency.

### 2. Intent or Reckless Disregard

The defendant need not intend harm; reckless disregard is enough (Nunez).

Webury’s conduct was at least reckless:

The funeral home knew it was returning personal effects to a grieving widow. Employees placed organs in a bag and delivered them to her without instructions or consent. The owner failed to supervise the process and refused responsibility.

A reasonable funeral director would foresee that giving a widow her husband's internal organs could cause intense emotional trauma.

### 3. Severe Emotional Distress

In Nunez, symptoms such as crying, fear, anxiety, depression, and hospitalization constituted "severe emotional distress."

Margie's injuries meet this standard:

She fainted immediately upon discovery.  
She was hospitalized for two days.  
She was prescribed antidepressants and anti-anxiety medication.  
She continues to suffer nightmares, depression, and lack of sleep.  
This constitutes severe emotional distress by any legal measure.

---

## CONCLUSION

Based on the facts and applicable law, Margie has a very strong IIED claim. Webury's conduct is likely to be viewed as extreme and outrageous, particularly in the sensitive context of funeral-services handling. The funeral home's reckless indifference to Margie's emotional well-being, and the severe distress she suffered, satisfy all elements of the tort. The claim should proceed.