Misrepresentation (Fraud)

1) Material misrepresentation
   - Must be a factor in the transaction
   - Distinguish “mere puffing”

2) Defendant had knowledge of its falsity (“scienter”)

3) It was intended to induce reliance
   - If the defendant thinks that it won’t have an impact on the transaction, there is no fraud

4) It did induce justifiable reliance
   - The plaintiff must have actually believe the statement and must have used it in the decision-making process
   - The reliance must be reasonable

5) Economic damages
   - Something must go wrong with the goods or transaction that is related to the false statement
Injurious Falsehood

Same basic idea as defamation, but applies to a business context.

Elements are same as other defamation:
  1) False statement
  2) Disparaged Plaintiff’s property or business interests
  3) The statement caused Plaintiff to suffer harm
  4) Economic damages

2 types:

Slander of Title
  - Defendant claims that the plaintiff lacks title of the property in which he is dealing
    (“He doesn’t own that property he’s trying to sell or lease out”)

Trade Libel
  - Defendant makes false statements as to the quality of plaintiff’s goods so that customers will be discouraged from buying them
    (“Don’t buy from her, she rips customers off”)

Interference with Business Relations - Interference with Contract

Elements:

1) Existence of a valid contractual relationship

2) Defendant knows of that relationship

3) Intentional interference with the contract

4) That leads to breach or termination of the contract

5) Damages (economic)

  o i.e., the plaintiff must show that the breach harmed him or her financially
Malicious Prosecution

**Elements:**
1) Institution of a criminal proceedings (can be done by complaining to the police or the DA; of course, only a DA can actually file a criminal charge and prosecute someone)
2) Termination in Plaintiff’s favor on the merits (not because of a technicality like a search and seizure problem).
3) No probable cause to believe P did commit the crime- can’t be reasonable for the Defendant to have actually thought that P committed the crime. If he did reasonably think P was guilty, no tort, no matter his evil intentions
4) Improper purpose in bringing the charge
5) Damages
   - Judges and prosecutors are immune from this tort

**Abuse of Process**
- Same as malicious prosecution, but in a non-criminal charge context e.g., suing someone just to harass him or her...
QUIZ TIME!