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Special Relationship Bystander Test: A Rational Alternative to the Closely Related Requirement of Negligent Infliction of Emotional Distress for Bystanders

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An engaged couple was crossing Washington Street in downtown Indianapolis, Indiana, en route to the county clerk's office to apply for a marriage license. The bride-to-be noticed a tractor-trailer bearing down on her and her fiancé. Realizing that the truck was not going to stop, the woman grabbed her fiancé's hand in attempt to pull him out of the truck's path. The effort failed. The woman, who was not physically harmed, could only watch as the wheels of the truck ran over her would-be husband, killing him instantly. As a result of having witnessed the entire scene, the woman suffered severe emotional trauma. The trauma resulted in medical expenses, and to aid in payment she brought a claim against the driver for Negligent Infliction of Emotional Distress (?NIED?). The defendant moved for summary judgment, and the court held in his favor reasoning that the woman did not satisfy the relationship requirement for such claims of NIED.

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