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Oddo v. Presser
No. 368A03
Filed 6 February 2004

Damages and Remedies—alienation of affections and criminal conversation—loss of tuition benefits for children

The decision of the Court of Appeals remanding this alienation of affections and criminal conversation case for a new trial on the issue of compensatory damages is reversed for the reasons stated in the dissenting opinion in the Court of Appeals that evidence of plaintiff's lost tuition benefits for his children when plaintiff's employment as a Davidson College wrestling coach was terminated, allegedly because he was unable to function in the workplace due to mental anguish caused by defendant's actions, was not overly speculative and was properly admitted by the trial court.

IN THE SUPREME COURT OF NORTH CAROLINA

No. 368A03

FILED: 6 FEBRUARY 2004

THOMAS C. ODDO

v.

JEFFREY L. PRESSER

Appeal by plaintiff and defendant pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 158 N.C. App. 360, 581 S.E.2d 123 (2003), reversing in part, finding no error in part, and remanding for a new trial on the issue of compensatory damages a judgment entered 4 May 2001 by Judge Robert P. Johnston in Superior Court, Mecklenburg County. Heard in the Supreme Court 17 November 2003.

Michelle D. Reingold for plaintiff-appellant and-appellee.

Maxwell, Freeman & Bowman, P.A., by James B. Maxwell, for defendant-appellant and-appellee.

PER CURIAM.

As to the issue of compensatory damages, we reverse the decision of the Court of Appeals for the reasons stated in the dissenting opinion. We affirm the decision of the Court of Appeals as to all remaining issues.

REVERSED IN PART; AFFIRMED IN PART.