

**3.30A UNLAWFUL INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE** (Approved before 1984)

The right of a person to pursue a lawful business and to enjoy the fruits and advantages of one's industry or efforts are rights which the law protects against unjustified and wrongful interference by another person.

Thus, the law protects a person's interest in reasonable expectations of economic advantage.

In order that the plaintiff may recover damages for a wrongful act, such wrongful act must be found to have interfered with a reasonable expectancy of economic advantage or benefit on the part of the plaintiff.

Thus, plaintiff must prove the following elements:

1. The existence of a reasonable expectation of economic advantage or benefit belonging or accruing to the plaintiff;
2. That the defendant had knowledge of such expectancy of economic advantage;
3. That the defendant wrongfully and without justification interfered with plaintiff's expectancy of economic advantage or benefit;

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4. That in the absence of the wrongful act of the defendant it is reasonably probable that the plaintiff would have realized his/her economic advantage or benefit (*i.e.*, effected the sale of the property and received a commission); and
5. That the plaintiff sustained damages as a result thereof.

It is for you to determine, therefore, whether the plaintiff has established by a preponderance of the evidence all of the elements outlined above. If you so find, then you should return a verdict in favor of the plaintiff. Otherwise, you should find for the defendant.

**Cases:**

*Harris v. Perl*, 41 N.J. 455 (1964); *Middlesex Concrete, etc., Corp. v. Carteret Industrial Ass'n.*, 37 N.J. 507 (1962); *Raymond v. Cregar*, 38 N.J. 472 (1962); *Rainier's Dairies v. Raritan Val. Farms*, 19 N.J. 552 (1955); *Myers v. Arcadio, Inc.*, 73 N.J. Super. 493 (App. Div. 1962); *Independent Dairy Workers Union of Hightstown v. Milk Drivers, etc., Local No. 680* 30 N.J. 173 (1959); *Restatement (Second) of Torts, Section 766* (1939).