### IDJI 9.20 - Punitive damages

INSTRUCTION NO. \_\_\_\_

 If you find that defendant’s acts which proximately caused injury to the plaintiff were an extreme deviation from reasonable standards of conduct and that these acts were performed by the defendant with [malice] [fraud] [oppression] [wantonness] [gross negligence], you may, in addition to any compensatory damages to which you find the plaintiff entitled, award to plaintiff an amount which will punish the defendant and deter the defendant and others from engaging in similar conduct in the future.

Alternate

Punitive damages statute, I.C. § 16-604, was amended effective July 1, 2003. Instruction for use under statute as amended.

INSTRUCTION NO. \_\_\_\_

 If plaintiff proves by clear and convincing evidence that the defendant’s acts which proximately caused injury to the plaintiff were an extreme deviation from reasonable standards of conduct and that these acts were [malicious] [fraudulent] [oppressive] or [outrageous] you may, in addition to any compensatory damages to which you find the plaintiff entitled, award to plaintiff an amount which will punish the defendant and deter the defendant and others from engaging in similar conduct in the future.

INSTRUCTION NO. \_\_\_\_

 Punitive damages are not a matter of right, but may be awarded in the jury’s sound discretion, which is to be exercised without passion or prejudice. The law provides no mathematical formula by which such damages are to be calculated, other than any award of punitive damages must bear a reasonable relation to the actual harm done, to the cause thereof, to the conduct of the defendant, and to the primary objective of deterrence.

Comments:

*See* Robinson v. State Farm Insurance, 137 Idaho 173, 45 P.3d 829 (2002).