### IDJI 4.86.2 - Punitive damages – malice required where media defendant

INSTRUCTION NO. \_\_\_\_\_

In this case, the law requires that the plaintiff shall not be entitled to recover punitive damages unless the defendant acted with actual malice in the communication of the defamatory information. Therefore, you are instructed that in order to recover punitive damages, the plaintiff must prove all of the elements of a defamation claim *and* must prove by clear and convincing evidence that the defendant communicated the defamatory information with “actual malice.”

Comment:

Please see Instruction 9.20 for additional elements of punitive damages.