

## **Punitive Damages**

[Plaintiff] also seeks punitive damages. Punitive damages are awarded, in the discretion of the jury, to punish a defendant for extreme or outrageous conduct, or to deter or prevent a defendant and others like him from committing similar acts in the future.

I must emphasize, however, that at this stage of the proceedings, you are only to consider whether or not [Plaintiff] is entitled to an award of punitive damages. If you determine that [Plaintiff] is entitled to such an award, you will be asked to determine what amount such an award should be at a separate hearing concerning this issue. Therefore, you are not to consider the amount of punitive damages, if any, you believe [Plaintiff] is entitled to receive.

You may conclude that [Plaintiff] is entitled to punitive damages if you find that [Defendant's] acts were done maliciously or wantonly. An act is maliciously done if it is prompted by ill will or spite towards the injured person. An act is wanton if done in a reckless or callous disregard of, or indifference to, the rights of the injured person. In order to justify an award of punitive damages, [Plaintiff] has the burden of proving, by a preponderance of the evidence, that [Defendant] acted maliciously or wantonly with regard to her rights.

Please remember that, at this stage of the proceedings, you are only to consider whether or not [Plaintiff] is entitled to an award of punitive damages. If you determine that [Plaintiff] is so entitled, a separate hearing will be held at which you will hear evidence relevant to the proper amount of such damages. Although many of the same

considerations apply to a determination of the amount of a punitive damages award, the Court will have specific instructions for you regarding this determination, should it become necessary.