

presented and on what you consider to be fair and adequate compensation for such damages as you find have been proved. In making an award of damages, it is required that you determine the precise amount to be awarded.

16. COMPENSATORY DAMAGES

If you find that a Defendant is liable to the Plaintiff, then you must determine an amount that is fair compensation for all of the Plaintiff's damages. These damages are called compensatory damages. In this case, Plaintiff has made claims for her medical expenses and emotional distress. The purpose of compensatory damages is to make the plaintiff whole – that is, to compensate the plaintiff for the damage that the plaintiff has suffered.

You may award compensatory damages only for injuries that the Plaintiff proves were proximately caused by a Defendant's allegedly wrongful conduct. The damages that you award must be fair compensation for all of the Plaintiff's damages, no more and no less. You should not award compensatory damages for speculative injuries, but only for those injuries which the Plaintiff has actually suffered. Your assessment of the amount of damages to be awarded, if any, may not be based on the abstract value or importance of the Plaintiff's right to be free from an unreasonable seizure.

If you decide to award compensatory damages, you should be guided by dispassionate common sense. Computing damages may be difficult, but you must not let that difficulty lead you to engage in arbitrary guesswork. On the other hand, the law does not require that the Plaintiff prove the amount of losses with mathematical certainty, but only with as much definiteness and accuracy as the circumstances permit.

I instruct you to use sound discretion in fixing an award of damages, drawing reasonable inferences where you find them appropriate from the facts and circumstances in evidence.

17. NOMINAL DAMAGES

If you return a verdict for Plaintiff, but you find that she has failed to prove actual injury and therefore is not entitled to compensatory damages, you may consider an award of nominal damages. Nominal damages are essentially symbolic. Their purpose is to prove a point or vindicate a right that a plaintiff can prove was violated when the plaintiff is unable to prove that she sustained any actual loss, harm or injury. In other words, nominal damages are a substitute for compensatory damages. They serve as a tangible indication of a defendant's liability when proof of actual damages is lacking.

If you find that Plaintiff has proved her claim but that she has failed to prove entitlement to compensatory damages, you should award damages in some nominal amount such as one dollar (\$1.00).

You may not award both compensatory and nominal damages with respect to her claim.

18. PUNITIVE DAMAGES

Punitive damages are awarded to a plaintiff in order to punish a defendant and to serve as an example to others not to engage in such conduct. It should be presumed that Plaintiff has been made whole by compensatory damages, and so you should only award punitive damages if Plaintiff has proven by a preponderance of evidence that the Defendant acted with evil motive, acted intentionally to violate Plaintiff's federally protected right, or acted with reckless or callous indifference toward her