

## Exemplary Damages

- Other terms – “corrective,” “punitive,” “vindictive”
  - May this be awarded even if not alleged? Not included as one of the reliefs (under the prayer)?
  - What is parties provided for LD, would this preclude claim for exemplary damages?
  - How is this commonly pleaded?
  - What is the focal point of proof?
- 1. May be imposed by way of example in addition to compensatory damages, and only after claimant’s right to them has been established.
  - 2. Cannot be recovered as a matter of right; determination is dependent on amount of compensatory damages awarded to claimant.
  - 3. Act must be accompanied by bad faith or done in wanton, fraudulent, oppressive or malevolent manner.  
  
(one or more aggravating circumstances; gross negligence)

# Exemplary Damages

**Sebastian Brünink**



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