

Table of Contents

Volume 1

CHAPTER 1. HISTORICAL PERSPECTIVE

- § 1:1 Early history
- § 1:2 Basis for rule
- § 1:3 Contemporary English view

CHAPTER 2. RATIONALE FOR AWARDING PUNITIVE DAMAGES

- § 2:1 Introduction
- § 2:2 Need for civil punishment
- § 2:3 —Punishment and liability insurance
- § 2:4 —Punishment and vicarious liability
- § 2:5 —Punishment in perspective
- § 2:6 —Need for civil deterrence
- § 2:7 —Deterrence of individual recidivism
- § 2:8 —Deterrence of wrongful conduct through vicarious liability
- § 2:9 —General deterrence
- § 2:10 Other considerations
- § 2:11 —Offset of plaintiff's litigation expenses
- § 2:12 —Punishment without control
- § 2:13 Conclusion

Bibliography

CHAPTER 3. CONSTITUTIONALITY OF PUNITIVE DAMAGES

- § 3:1 Introduction
- § 3:2 Double jeopardy
- § 3:3 Due process
- § 3:4 Freedom of speech and press
- § 3:5 Equal protection
- § 3:6 Excessive fines clause
- § 3:7 Other constitutional challenges
- § 3:8 Preserving constitutional issues for appeal
- § 3:9 Conclusion

Bibliography

CHAPTER 4. STATUS IN UNITED STATES

- § 4:1 Generally
- § 4:2 Jurisdictions treating punitive damages as compensatory
 - § 4:3 —Connecticut
 - § 4:4 —Michigan
- § 4:5 Jurisdictions prohibiting punitive damages
 - § 4:6 —Louisiana
 - § 4:7 —Massachusetts
 - § 4:8 —Nebraska
 - § 4:9 —New Hampshire
 - § 4:10 —Washington
- § 4:11 Rationale for awarding punitive damages
 - § 4:12 —Punishment and deterrence
 - § 4:13 —Arbitration proceedings
 - § 4:14 —Maritime and admiralty cases
 - § 4:15 —Under the Warsaw Convention
- § 4:16 Statutory punitive damages caps and other limitations on recovery

Table 4-1. Summary of States' Positions on Punitive Damages

Bibliography

CHAPTER 5. LIABILITY FOR PUNITIVE DAMAGES

I. CONDUCT JUSTIFYING PUNITIVE DAMAGES

- § 5:1 Legislative and judicial definitions
- § 5:2 Intent to cause harm
- § 5:3 Reckless conduct causing harm
- § 5:4 Conduct of infants and the insane
- § 5:5 Vicarious liability for punitive damages

II. LIABILITY IN SPECIFIC TYPES OF CASES

- § 5:6 Generally
- § 5:7 Contract actions
- § 5:8 Tort actions
 - § 5:9 —Torts related to contracts
 - § 5:10 —Wrongful death actions
- § 5:11 Statutory actions and penalty provisions
- § 5:12 Actions against foreign governments
- § 5:13 Assignment of punitive damages claims
- § 5:14 Common law actions for wrongful discharge

TABLE OF CONTENTS

III. CRIMINAL LIABILITY AND PUNITIVE DAMAGES

- § 5:15 Effect of criminal sanctions on civil liability
- § 5:16 Criminal sanction as restriction
- § 5:17 Criminal sanction as mitigation

IV. DETERMINING AMOUNT OF DAMAGES

- § 5:18 Generally
- § 5:19 —Wrongful death actions
- § 5:20 —Transfer of assets prior to judgment
- § 5:21 Compensatory damages as prerequisite to recovery
- § 5:22 Attorneys' fees
- § 5:23 Jury Discretion as to award
- § 5:24 Judicial control of jury awards
- § 5:25 Jurisdictional amount
- § 5:26 Claims of multiple plaintiffs
- § 5:27 Control of multiple awards
- § 5:28 —Consolidation and class certification
- § 5:29 —Jury instructions
- § 5:30 —Limit to first award
- § 5:31 —Limit on single recovery
- § 5:32 —Rewarding private attorneys general
- § 5:33 —Add-on punishments
- § 5:34 —Conclusion
- § 5:35 Table 5-1. Punitive damages in wrongful death actions
- § 5:36 Table 5-2. States admitting evidence of criminal sanction in mitigation of punitive damage claim
- § 5:37 Table 5-3. States admitting evidence of defendant's financial status

Bibliography

CHAPTER 6. PRODUCTS LIABILITY

I. TYPE OF ACTION

- § 6:1 Introduction
- § 6:2 Negligence
- § 6:3 Breach of warranty
- § 6:4 Strict liability
- § 6:5 —Roginsky and toole: The battlelines formed

II. STRICT LIABILITY AND PUNITIVE DAMAGES

A. CONSTITUTIONAL CHALLENGES

§ 6:6 Generally

B. PUBLIC POLICY ISSUES

§ 6:7 Compensatory damages as sufficient deterrent

§ 6:8 Effect on public

§ 6:9 Limiting liability

§ 6:10 Equity in punishing shareholders

§ 6:11 Insurance coverage removing punishment-deterrent effect

§ 6:12 Punitive damages as cost of doing business

§ 6:13 Alternatives to punitive damages

§ 6:14 Conclusion

C. NATURE OF PUNITIVE DAMAGES CLAIM

§ 6:15 Generally

§ 6:16 —Relationship with underlying cause of action

§ 6:17 —Nature of underlying cause of action

§ 6:18 —Majority view

D. AWARD OF PUNITIVE DAMAGES

§ 6:19 Conduct warranting punitive damages

§ 6:20 Evidence justifying award

§ 6:21 —Knowledge of defect

§ 6:22 —Profit motive

§ 6:23 —Failure to take adequate precautionary or remedial steps

§ 6:24 —Benefits of product outweighed by harm

§ 6:25 —Industry or government standards

§ 6:26 —Fraud

§ 6:27 Summary

III. ORGANIZING PUNITIVE DAMAGES CLAIM

§ 6:28 Plaintiff's claim

§ 6:29 —Preliminary considerations

§ 6:30 —Pretrial discovery

§ 6:31 —Tools at plaintiff's disposal

§ 6:32 —The computer

§ 6:33 —Trial strategy

§ 6:34 —Pursuit of punitive damages

TABLE OF CONTENTS

§ 6:35 —The problem of multiple defendants

IV. STATUTORY LAW

§ 6:36 Generally
§ 6:37 Model Uniform Products Act
§ 6:38 State statutes

V. REPRESENTATIVE CASES

§ 6:39 Representative cases

Bibliography

CHAPTER 7. INSURANCE AGAINST PUNITIVE DAMAGES

I. COVERAGE UNDER TYPICAL INSURANCE AGREEMENTS

§ 7:1 Introduction
§ 7:2 Policy language
§ 7:3 —Language found to cover punitive damages
§ 7:4 —Language found to exclude coverage
§ 7:5 —Differing coverage
§ 7:6 Automobile cases
§ 7:7 Nonautomobile cases
§ 7:8 —Assault and battery
§ 7:9 —Other tort actions
§ 7:10 Response of insurance industry

II. PUBLIC POLICY AND PUNITIVE DAMAGES

§ 7:11 Introduction
§ 7:12 Insurance coverage—Not against public policy
§ 7:13 —Against public policy
§ 7:14 Summary

III. BASIS FOR LIABILITY

§ 7:15 Vicarious liability
§ 7:16 Uninsured motorist endorsement
§ 7:17 —Damages not recoverable
§ 7:18 —Damages recoverable
§ 7:19 No-fault automobile liability laws
§ 7:20 Surety bonds
§ 7:21 Reinsurance

- § 7:22 Insurance guaranty associations
- § 7:23 Fines and forfeitures
- § 7:24 Multiple damage statutes
- § 7:25 —Types
- § 7:26 — —Coverage under liability insurance
- § 7:27 — —Characterization of statute as compensatory or punitive

IV. INSURER'S DUTY TO DEFEND

- § 7:28 Generally

Bibliography

CHAPTER 8. EXCESS LIABILITY ACTIONS

- § 8:1 Introduction
- § 8:2 Nature of excess liability actions
- § 8:3 Third-party insurance
- § 8:4 First-party insurance
- § 8:5 Statutory liability
- § 8:6 Punitive damages

Bibliography

CHAPTER 9. TRIAL CONSIDERATIONS

- § 9:1 Checklist of practical suggestions for the plaintiff's attorney
- § 9:2 Checklist of practical suggestions for the defense attorney
- § 9:3 Pleading
- § 9:4 Jurisdiction and venue
- § 9:5 Conflict of laws
- § 9:6 Problems presented by multiple plaintiffs
- § 9:7 Problems presented by multiple defendants
- § 9:8 Death of plaintiff or defendant
- § 9:9 Discovery
- § 9:10 Burden of proof
- § 9:11 Defenses generally
- § 9:12 —Pleading stage
- § 9:13 —Voir dire
- § 9:14 —Trial
- § 9:15 —Jury instructions
- § 9:16 —Verdicts
- § 9:17 —Posttrial stage
- § 9:18 Postjudgment considerations—Interest
- § 9:19 —Bankruptcy

TABLE OF CONTENTS

§ 9:20 —Full faith and credit

Bibliography

CHAPTER 10. PLEADING FORMS

- § 10:1 Introduction
- § 10:2 Signing of Pleadings
- § 10:3 Signature—Of party—Suing in person
- § 10:4 —Of attorney
- § 10:5 — —As member of firm
- § 10:6 Comments
- § 10:7 Statutory references
- § 10:8 Procedural rule references
- § 10:9 Checklist—Verification of pleading

I. PRODUCTS LIABILITY

- § 10:10 Allegations against distributors and manufacturer of defective product
- § 10:11 Allegations against equipment rental corporation for failure to equip vehicles with safety devices
- § 10:12 Allegations against third-party manufacturer in workmen's compensation context
- § 10:13 Allegations based upon negligence of manufacturer in distributing flammable children's sleepwear
- § 10:14 Allegations against manufacturer of shotgun based on defective design and manufacture
- § 10:15 Class action against aircraft manufacturer to recover for death of passengers
- § 10:16 Allegations against medical device manufacturer
- § 10:17 Allegations against drug manufacturer
- § 10:18 Allegations against manufacturer of hair dye containing toxic substance
- § 10:19 Allegations against motor vehicle manufacturer for failure of rear lift gate
- § 10:20 Allegations against manufacturer of helicopter
- § 10:21 Against manufacturer of pelvic mesh
- §§ 10:22 to 10:99 *[Reserved]*

II. BAD FAITH

- § 10:100 Allegations against health care insurer for bad faith
- § 10:101 Bad faith allegation by employee against workmen's compensation insurer
- § 10:102 Allegations against employer and workmen's compensation insurer for maliciously refusing to pay claim

- § 10:103 Against insurer: Judgment in excess of policy limits;
Rejection of settlement offers; Collection
proceedings instituted against insured
- §§ 10:104 to 10:199 *[Reserved]*

III. INTENTIONAL TORTS

- § 10:200 Punitive damage allegation accompanying cause of
action for emotional distress
- § 10:201 Punitive damage claim in assault and battery action
- § 10:202 Punitive damage claim against town for false arrest
- § 10:203 Punitive damage claim in cause of action involving
ultrahazardous activity
- § 10:204 Intentional infliction of emotional distress general
form
- § 10:205 Malicious prosecution, false imprisonment, and
intentional interference with economic relations
- § 10:206 Slander, false arrest, and false imprisonment
- § 10:207 Allegations against Scout Leaders and scouting
organization for sexual battery of a child
- §§ 10:208 to 10:299 *[Reserved]*

IV. NEGLIGENCE ACTIONS

- § 10:300 Negligent operation of auto: Passenger against
intoxicated driver
- § 10:301 Wrongful death: Negligent overmedication by
nursing home and staff
- § 10:302 Against intoxicated host driver: Rear-end collision;
Speeding, failure to stop at red traffic light
- § 10:303 Against landlord for providing inadequate security
to tenant
- § 10:304 Against dram shop for serving obviously intoxicated
patron
- § 10:305 Against Intoxicated Driver of ATV
- §§ 10:306 to 10:399 *[Reserved]*

V. OTHER ACTIONS

- § 10:400 Wrongful eviction of tenant and seizure of
property—Residential premises
- § 10:401 Against building owner and contractor; Exposure to
toxin during renovation of building; Intentional
infliction of emotional distress
- § 10:402 Federal Court Civil Rights Act: Against police
officers; Unlawful arrest, search, and incarceration;
Abusive treatment and personal injuries
- § 10:403 For injunction and damages: Against developer and

TABLE OF CONTENTS

	realty company for refusal to sell housing accommodations to members of minority race
§ 10:404	Discrimination in employment: Based on sex and hostile work environment
§ 10:405	Liability for toxic contamination of real property
§ 10:406	Against pharmacy and pharmacist: Damages from alteration of prescription by pharmacist
§ 10:407	Physician against attorney and law firm: Malicious bringing of medical malpractice actions
§ 10:408	Sale of air gun to minor: Injury to another minor
§ 10:409	Notice of motion and motion to strike allegation of punitive damages
§ 10:410	Wrongful death and survival/dram shop action, including claim for punitive damages
§ 10:411	Wrongful termination in violation of public policy, age discrimination, defamation, and intentional infliction of emotional distress
§ 10:412	Class Action: Racial discrimination in employment
§ 10:413	Invasion of privacy and intentional infliction of emotional distress
§ 10:414	Fraud
§ 10:415	Intentional interference with contractual relations
§ 10:416	Allegations in general maritime action
§§ 10:417 to 10:499	<i>[Reserved]</i>

VI. ANSWERS

§ 10:500	Products liability action against drug manufacturer
§ 10:501	Action against oil company for negligence, assault, and infliction of emotional distress based on exposure to toxic chemicals
§ 10:502	Products liability action against tire manufacturer
§ 10:503	General denial of plaintiff's right under state or federal constitutional law to claim exemplary damages
§ 10:504	Allegations that award of exemplary damages is unconstitutional

CHAPTER 11. JURY INSTRUCTIONS

§ 11:1	Introduction
§ 11:2	—Alabama
§ 11:3	—Alaska
§ 11:4	—Arizona
§ 11:5	—Arkansas
§ 11:6	—California
§ 11:7	—Colorado

PUNITIVE DAMAGES LAW AND PRACTICE SECOND EDITION

§ 11:8	—Connecticut
§ 11:9	—Delaware
§ 11:10	—Florida
§ 11:11	—Georgia
§ 11:12	—Hawaii
§ 11:13	—Idaho
§ 11:14	—Illinois
§ 11:15	—Indiana
§ 11:16	—Iowa
§ 11:17	—Kansas
§ 11:18	—Kentucky
§ 11:19	—Louisiana
§ 11:20	—Maine
§ 11:21	—Maryland
§ 11:22	—Massachusetts
§ 11:23	—Michigan
§ 11:24	—Minnesota
§ 11:25	—Mississippi
§ 11:26	—Missouri
§ 11:27	—Montana
§ 11:28	—Nebraska
§ 11:29	—Nevada
§ 11:30	—New Hampshire
§ 11:31	—New Jersey
§ 11:32	—New Mexico
§ 11:33	—New York
§ 11:34	—North Carolina
§ 11:35	—North Dakota
§ 11:36	—Ohio
§ 11:37	—Oklahoma
§ 11:38	—Oregon
§ 11:39	—Pennsylvania
§ 11:40	—Rhode Island
§ 11:41	—South Carolina
§ 11:42	—South Dakota
§ 11:43	—Tennessee
§ 11:44	—Texas
§ 11:45	—Utah
§ 11:46	—Vermont
§ 11:47	—Virginia
§ 11:48	—Washington
§ 11:49	—West Virginia
§ 11:50	—Wisconsin
§ 11:51	—Wyoming

TABLE OF CONTENTS

- § 11:52 —District of Columbia
- § 11:53 —Federal (Fifth Circuit Pattern Jury Instructions)
- § 11:54 —Federal (Seventh Circuit Pattern Jury Instructions;
Employment Discrimination: Title VII, ADEA)

CHAPTER 12. BIFURCATION (SEPARATE TRIAL) OF PUNITIVE DAMAGE CLAIMS AND ISSUES

- § 12:1 Introduction
- § 12:2 Federal Rule 42(b)
- § 12:3 —Separate trial of demand for punitive damages—
Case law
- § 12:4 —The case for bifurcation of punitive damages
- § 12:5 State statutes
- § 12:6 —“Federal Rule” statutes
- § 12:7 —Statutes requiring bifurcation of issues
- § 12:8 —Statutes which do not allow for bifurcation of
issues
- § 12:9 —No statute authorizing separate trials
- § 12:10 Deferral of discovery
- § 12:11 Bifurcation only as to amount of punitive damage
award
- § 12:12 Jury trial considerations
- § 12:13 Practical aspects
- § 12:14 Conclusion
- § 12:15 Sample motion and order to bifurcate trial
- § 12:16 Another sample motion to bifurcate

Bibliography

CHAPTER 13. DEFAMATION ACTIONS

- § 13:1 Introduction
- § 13:2 Interest and persons protected by defamation actions
- § 13:3 Types of defamation actions
- § 13:4 —Slander or libel?
- § 13:5 Basic elements of defamation actions
- § 13:6 —Defamatory meaning
- § 13:7 —Publication
- § 13:8 Traditional defenses to defamation actions
- § 13:9 Before *New York Times Company v. Sullivan*
- § 13:10 *New York Times* and beyond
- § 13:11 Defamation of private individuals
- § 13:12 Remedies available for defamation
- § 13:13 —Nonpecuniary remedies

- § 13:14 —Compensatory damages
- § 13:15 —Punitive damages
- § 13:16 Sample charge to jury in defamation action

Bibliography

Volume 2

CHAPTER 14. FEDERAL TAX CONSEQUENCES OF PUNITIVE DAMAGE AWARDS

- § 14:1 Introduction
- § 14:2 Commissioner v. Glenshaw Glass Company
- § 14:3 Receipt of punitive damages on account of personal injuries or sickness
- § 14:4 Personal injury versus bodily injury
- § 14:5 Defamation
- § 14:6 Miscellaneous awards and settlements
- § 14:7 Litigation records as evidence
- § 14:8 Settlement agreements
- § 14:9 Business-related expenses
- § 14:10 Public policy issues
- § 14:11 Individual deductibility

CHAPTER 15. CIVIL RIGHTS LITIGATION AND PUNITIVE DAMAGES

- § 15:1 Introduction
- § 15:2 42 U.S.C.A. § 1981—Purpose and persons protected
- § 15:3 —Rights protected
- § 15:4 —Damages recoverable
- § 15:5 —Proving punitive damages
- § 15:6 —Immunity from punitive damages
- § 15:7 —Summary of rules for recovery of punitive damages
- § 15:8 42 U.S.C.A. § 1982—Purpose and persons protected
- § 15:9 —Rights protected
- § 15:10 —Pleading requirements
- § 15:11 —Compensatory damages
- § 15:12 —Punitive damages
- § 15:13 — —Effect of Fair Housing Act's limitation on punitive damages
- § 15:14 — —Municipal immunity
- § 15:15 42 U.S.C.A. § 1983—Purpose and history
- § 15:16 —Rights protected

TABLE OF CONTENTS

§ 15:17	—Proof and pleading requirements
§ 15:18	—Basis for liability
§ 15:19	— —Negligence
§ 15:20	— —Strict liability
§ 15:21	—Compensatory damages
§ 15:22	—Punitive damages
§ 15:23	— —Municipal immunity and other exceptions
§ 15:24	Title VII—Civil Rights Act of 1964—Purpose and scope
§ 15:25	—Relief available
§ 15:26	— —Compensatory damages
§ 15:27	— —Punitive damages
§ 15:28	Civil Rights Act of 1991
§ 15:29	Age discrimination in employment act—Purpose and scope
§ 15:30	—Enforcement and damages
§ 15:31	—Punitive damages
§ 15:32	Fair Housing Act—Purpose and scope
§ 15:33	—Punitive damages
§ 15:34	Americans with Disabilities Act—Purpose and scope
§ 15:35	—Liability—Parties
§ 15:36	—Punitive damages
§ 15:37	—Title IX—Education Amendments of 1972

Bibliography

CHAPTER 16. CONTRIBUTION FOR OR APPORTIONMENT OF PUNITIVE DAMAGES AMONG MULTIPLE DEFENDANTS

I. DOCTRINE OF CONTRIBUTION

§ 16:1	History and general rules
§ 16:2	Contribution among tortfeasors

II. DOCTRINE OF PUNITIVE DAMAGES

§ 16:3	The purpose of punitive damages
§ 16:4	Conduct warranting the award of punitive damages

III. CONTRIBUTION FOR PUNITIVE DAMAGES

§ 16:5	Introduction
§ 16:6	Public policy
§ 16:7	Case law and other authorities

IV. APPORTIONMENT OF PUNITIVE DAMAGES

- § 16:8 Jurisdictions that deny apportionment
- § 16:9 Jurisdictions that allow apportionment
- § 16:10 Settlements

V. SUMMARY

- § 16:11 General conclusions

CHAPTER 17. LIABILITY OF THE PROFESSIONAL FOR PUNITIVE DAMAGES

I. INTRODUCTION

- § 17:1 Scope of chapter

II. THE DUTY OF THE PROFESSIONAL

- § 17:2 In general

III. THE LIABILITY OF THE PROFESSIONAL

- § 17:3 The burden of proof
- § 17:4 —Types of conduct warranting punitive damages—
Medical professional
- § 17:5 — —Malfeasance
- § 17:6 — —Misfeasance
- § 17:7 — —Nonfeasance
- § 17:8 —The attorney
- § 17:9 — —Legal malpractice
- § 17:10 — —Malicious prosecution and abuse of process
- § 17:11 — —Fraud
- § 17:12 — —Statutory liability
- § 17:13 —Other professionals
- § 17:14 — —Accountants
- § 17:15 — —Engineers
- § 17:16 — —Architects
- § 17:17 — —Pharmacists
- § 17:18 Defenses
- § 17:19 —Statutory prohibition on punitive damages
- § 17:20 Summary

CHAPTER 18. EXCESSIVE AND INADEQUATE AWARDS

I. REMITTITUR

- § 18:1 Introduction

TABLE OF CONTENTS

§ 18:2	Procedure—At trial
§ 18:3	—On appeal
§ 18:4	Discretion of jury
§ 18:5	Test for excessiveness—In general
§ 18:6	—Size of verdict—Ratios
§ 18:7	— —Passion, prejudice and other improper considerations
§ 18:8	— —Purpose of punitive damages
§ 18:9	Federal courts
§ 18:10	Summary

II. ADDITUR

§ 18:11	Introduction
§ 18:12	Federal courts
§ 18:13	States—Courts
§ 18:14	—Legislation
§ 18:15	Summary

Bibliography

CHAPTER 19. MISREPRESENTATION ("FRAUD") ACTIONS

§ 19:1	Introduction
§ 19:2	The problem of definition
§ 19:3	Forms of misrepresentation
§ 19:4	Historical development
§ 19:5	—Early history
§ 19:6	—Law versus equity
§ 19:7	—Contract versus tort
§ 19:8	Fraud or fraudulent misrepresentation—Basic elements
§ 19:9	Misrepresentation—Scienter
§ 19:10	— —Scienter and intent
§ 19:11	—Proof of scienter and intent
§ 19:12	Constructive fraud
§ 19:13	Negligent misrepresentation
§ 19:14	Pleading considerations
§ 19:15	Inferences, presumptions and burden of proof
§ 19:16	Measure of compensatory damages
§ 19:17	Compensatory damages as prerequisite to punitive damages
§ 19:18	Punitive damages
§ 19:19	—Conduct justifying punitive damages—Fraud
§ 19:20	—Pleading note

§ 19:21 —Burden of proof

CHAPTER 20. ACTIONS IN EQUITY

- § 20:1 Introduction—The rise of equity courts
- § 20:2 Merger of law and equity courts
- § 20:3 Equitable remedies
- § 20:4 Equity and punitive damages—In general
- § 20:5 Impediments to punitive damages
- § 20:6 Availability of punitive damages in equity

CHAPTER 21. A HISTORY OF REFORM: PROPOSALS AND LEGISLATION

I. PROPOSALS FOR REFORM

- § 21:1 Introduction
- § 21:2 Defense bar proposals
- § 21:3 Arnold proposals
- § 21:4 Kasten proposals
- § 21:5 Sales proposals
- § 21:6 Farmers Insurance Group proposals
- § 21:7 Owen proposals
- § 21:8 Alliance of American Insurers proposals
- § 21:9 Columbia Legislative Drafting Research Fund proposals
- § 21:10 Louisiana Trial Lawyers Association proposal
- § 21:11 ABA proposals
- § 21:12 American Law Institute
- § 21:13 American Tort Reform Association

II. LEGISLATIVE REFORM

- § 21:14 Introduction
- § 21:15 Burden of proof
- § 21:16 Limitations on recovery
- § 21:17 —Limiting the dollar amount
- § 21:18 —Payment to a state fund
- § 21:19 Abolition of punitive damage awards
- § 21:20 Pleading limitations
- § 21:21 Proving defendant's wealth
- § 21:22 Insurance coverage
- § 21:23 Separate trials
- § 21:24 Type of conduct
- § 21:25 Excessive or inadequate verdicts
- § 21:26 Judicial determination of punitive damage amount

TABLE OF CONTENTS

§ 21:27 Federal legislation

CHAPTER 22. SUCCESSOR CORPORATIONS

- § 22:1 Successor corporation defined
- § 22:2 Liability of successor corporations—Generally
- § 22:3 Punitive damages against successor corporations—
Introduction
- § 22:4 —The purchase agreement; assumption of liability
- § 22:5 —Vicarious liability
- § 22:6 —Identity of predecessor and successor due to
merger, consolidation, or mere continuation of
corporate entity
- § 22:7 —Continuation of operations
- § 22:8 —Continuation of product line
- § 22:9 —Cessation of offending misconduct
- § 22:10 —Transferred assets: A related issue
- § 22:11 —Policy considerations

Bibliography

CHAPTER 23. CONFLICT OF LAWS

- § 23:1 Introduction
- § 23:2 Lex loci delicti
- § 23:3 —Current applications
- § 23:4 Modern approaches
- § 23:5 —Most significant relationship test
- § 23:6 — —Current application
- § 23:7 —Governmental interest approach
- § 23:8 — —Current application
- § 23:9 —Better law approach
- § 23:10 — —Current application
- § 23:11 —The Kentucky approach
- § 23:12 —The Michigan approach
- § 23:13 The Louisiana approach
- § 23:14 Non-tort choice-of-law issues
- § 23:15 Choice-of-law and federal multidistrict litigation
- § 23:16 —Most significant relationship test
- § 23:17 —Comparative impairment test
- § 23:18 —Specific issue test
- § 23:19 —Lex loci delicti rule
- § 23:20 Foreign plaintiffs, forum non conveniens and
choice-of-law
- § 23:21 Depecage

- § 23:22 Punitive sanctions sought in United States under foreign laws
- § 23:23 Conclusion

CHAPTER 24. VICARIOUS LIABILITY FOR PUNITIVE DAMAGES

- § 24:1 Doctrine of respondeat superior
- § 24:2 Conservative view
- § 24:3 —Liability of principal who authorized act
- § 24:4 —Liability of principal retaining unfit agent
- § 24:5 —Acts of managerial agent within scope of employment
- § 24:6 —Liability of principal ratifying agent's act
- § 24:7 Liberal view
- § 24:8 Liability of governmental bodies and agencies
- § 24:9 —Conservative view
- § 24:10 —Liberal view
- § 24:11 Liability resulting from de facto business mergers
- § 24:12 Employment discrimination

APPENDIX

APPENDIX A. Selected Punitive Damage Statutes

Table of Laws and Rules

Table of Cases

Index