

Punitive Damages

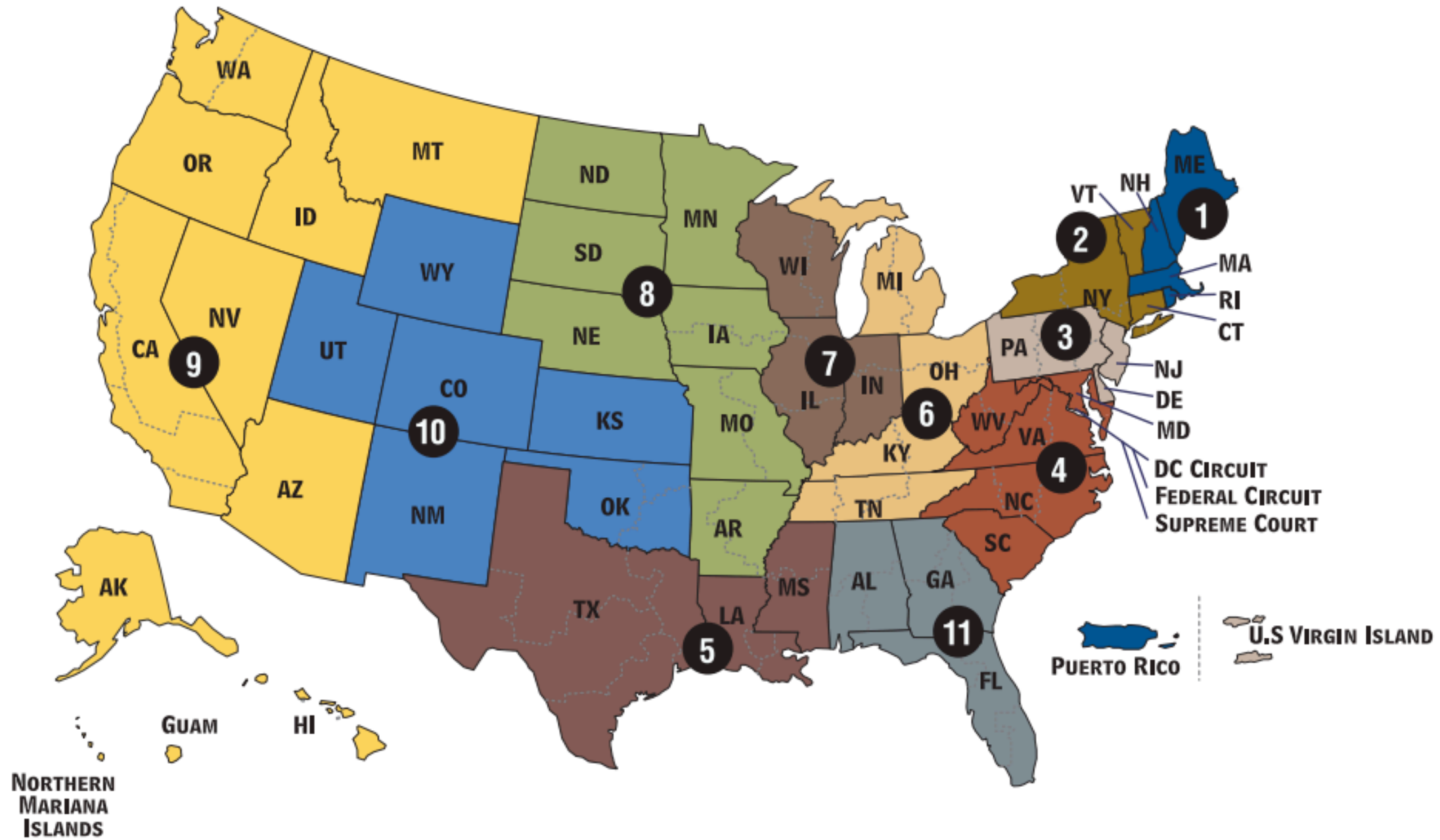


Mathias v. Accor Economy Lodging, Inc.

1. Procedural posture
2. Legal question(s)
3. Relevant facts
4. Holding
5. Reasoning(s) behind the holding

Geographic Boundaries

of United States Courts of Appeals and United States District Courts



Oral argument: Appealing a Punitive Damages Award

Hershovitz v. Speedy Pete's Pizza Pies

The only legal issue on appeal in this case is whether the punitive damages award in this case is excessive and would deprive the defendant of its property without due process of law.

Use the legal tests we went over in class.

Draw upon and analogize to the reasoning from these cases.

I
R
A
C

Issue

Rule

Argument

Conclusion

I - Does the punitive damages award violate the 14th Amendment by depriving the defendant of its property without due process of law ?

R - *BMW v. Gore* guideposts

A - Argument

C - Conclusion

I - Does the punitive damages award violate the 14th Amendment by depriving the defendant of its property without due process of law ?

R - *BMW v. Gore* guideposts

A - Argument

-- IRAC - Reprehensability

-- IRAC - Ratio

-- IRAC - Civil and criminal penalties

C - Conclusion

Legal Authority

Two Legal Tests

State Farm

Anything outside of single digit ratio of punitive to compensatory damages is presumed unconstitutional.

BMW v. Gore

1 - Reprehensibility

2 - Disparity between compensatory damages and harm inflicted on plaintiff

3 - Comparison with civil or criminal penalties

One Persuasive Case

Mathias v. Accor Economy Lodging, Inc.

Outlining

Goals for reading cases

1. Grasp the internal logic and mechanics of the case.
2. Synthesize within a broader context.

Goals for outlining

An outline is a machine that helps you to:

1. Spot issues on the exam
2. Resolve issues methodically and comprehensively

Outline for damages