

Compensatory Damages

Remedies

The consequences of liability.

Remedies include:

- Compensatory damages
- Punitive damages
- Nominal damages and declaratory judgment
- Equitable relief

Compensatory Damages

and (rarely in special circumstances)
punitive damages

Compensatory Damages

The Objective:

To restore the plaintiff to the state they were in before the harm caused by the defendant.

Two distinct, independent legal questions:

1. Liability
2. Damages

Single judgment rule

Damages are awarded once.

Court will not revisit.

Parties cannot relitigate.

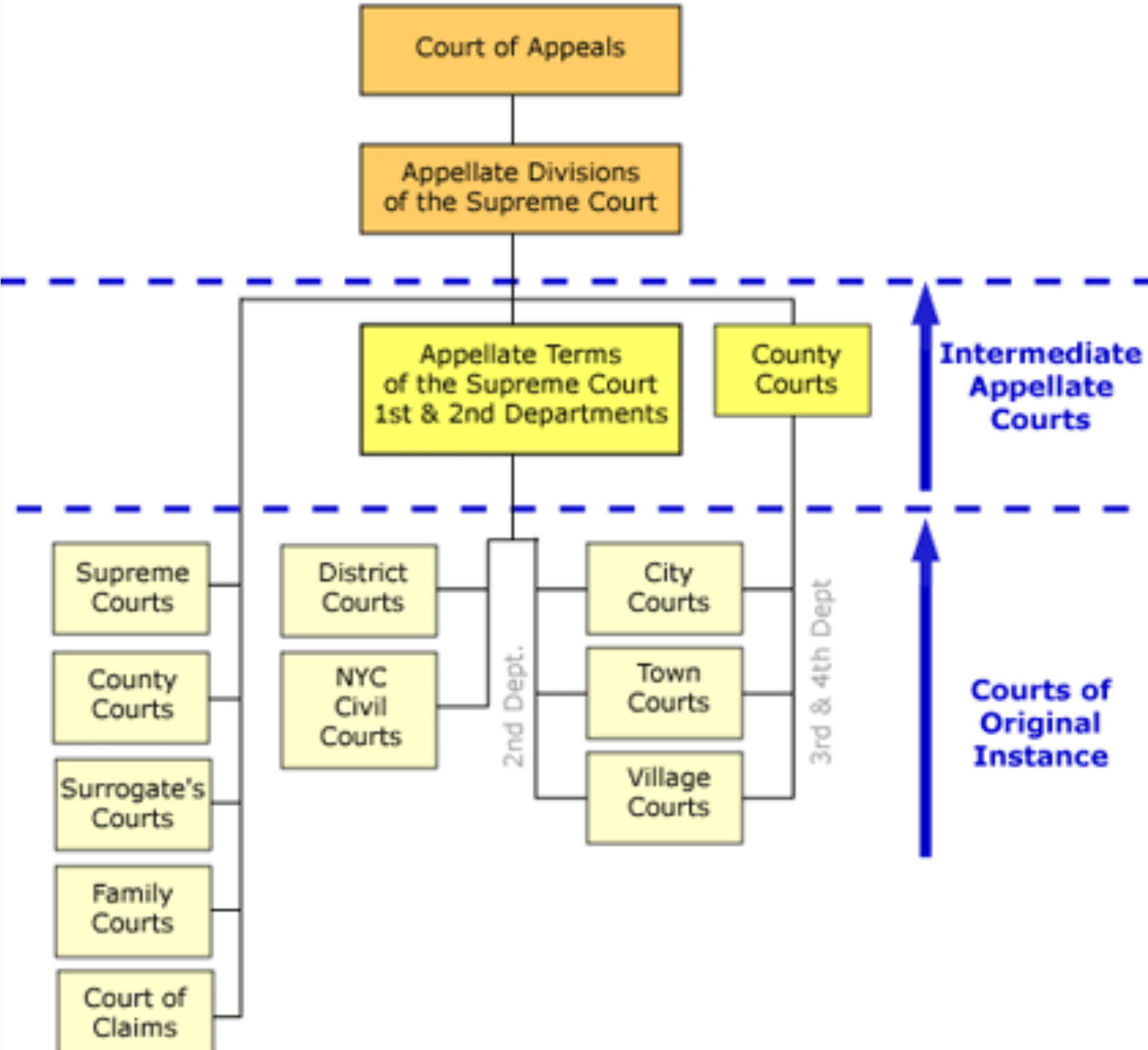
Seffert v. Los Angeles Transit Lines

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

McDougal v. Garber

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

CIVIL COURT STRUCTURE



Pain and suffering

Loss of enjoyment

Jury Exercise

You are a jury, determining damages in the following case.

The giant donut at Randy's Donuts fell down, crushing the plaintiff, Cindy Estrada. You have already determined that the proprietors of Randy's Donuts are liable for negligence and have calculated compensatory damages for expenses that Estrada has already incurred. But your role as factfinder is not over:

You must now determine the plaintiff's compensatory damages for future economic loss and pain and suffering.

Future economic loss

Pain and suffering

2,160,000

100,000

1,190,000

100,000

1,960,000

7,840,000

1,600,000

3,500,000

2,270,000

between 400k and 2 million

1,600,000

100,000

1,570,000

4,000,000

4,000,000

120,000

1,740,000

1,700,000

Future economic loss

Pain and suffering

2,065,000

935,000

2,000,000

1,000,000

2,100,000

1,900,000

2,300,000

1,000,000

1,500,000

750,000

1,700,000

100,000