

Original

**SECOND JUDICIAL DISTRICT COURT, FARMINGTON DEPARTMENT
IN AND FOR DAVIS COUNTY, STATE OF UTAH**

TIMOTHY D. SYMES; and AMY SYMES,

Plaintiffs,

vs.

**SHANICE C. BURCH, an individual;
LUBE MANAGEMENT CORP., a Utah
Corporation; PARTSCO, L.C., d/b/a
MIGHTY AUTO PARTS; and JOHN
DOES 1-10,**

Defendants.

**JURY INSTRUCTIONS: PUNITIVE
DAMAGES**

Case No. 180701236

Judge: MICHAEL D. DIREDA

Instruction No. 56

Amount of punitive damages.

Now that you have decided to award punitive damages, you must determine the amount. Punitive damages should be the amount necessary to fulfill the two purposes of punitive damages: to punish past misconduct and to discourage future misconduct. Your decision should not be arbitrary. The amount must be reasonable and bear some relationship to Tim Symes's harm. Whether or not to award a specific amount or any amount of punitive damages is left entirely up to you.

Instruction No. 57

Punitive damages and harm to other people.

In determining the amount of punitive damages, you may award punitive damages for the purpose of punishing Lube Management and/or PartsCo only for harm to Tim Symes. You may not award punitive damages for the purpose of punishing harm or attempted harm to other people.

Instruction No. 58

Factors to consider in determining the amount of punitive damages.

In determining the amount of damages, you may also consider any evidence regarding the following: (1) the wealth or financial condition of Lube Management and/or PartsCo; (2) the nature of the alleged misconduct; (3) the facts and circumstances surrounding such conduct; (4) the effect of Lube Management and/or PartsCo's conduct on Tim Symes; (5) the probability of future reoccurrence of the misconduct toward Tim Symes or others; (6) the relationship of the parties; and (7) the amount of compensatory damages awarded.

Instruction No. 59

Reprehensibility.

In determining the amount of punitive damages that should be awarded, you should consider the reprehensibility of Lube Management and/or PartsCo's conduct. Greater reprehensibility may justify a higher punitive damage award while lesser reprehensibility may justify a lower amount.

Instruction No. 60

Reprehensibility. Similar Conduct Toward Other People.

When determining the degree of reprehensibility, you may consider evidence of similar conduct by Lube Management and/or PartsCo toward other people who are not in this lawsuit; however, I caution you that this evidence is to be considered only to determine reprehensibility. The actual harm to other people is not the measure of punitive damages in this case.