

Exhibit B



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Civil Jury Instructions

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3.11-7 Damages for Libel Per Quod

Revised to January 1, 2008

In an action for libel per quod, the law does not presume that the plaintiff sustained injury to (his/her) reputation. As I have previously instructed you, to recover in an action of libel per quod, the plaintiff must prove to you that (he/she) incurred what is called actual damages, also called special damages, that is an actual injury or loss. The loss must be caused by the publication of the defamatory statement.

The special damages must be of a material nature and, generally, must be of a pecuniary nature, that is dealing with money.

<Insert relevant portions of instruction on special damages and punitive damages, contained in [Damages for Libel/Sander Per Se](#), Instruction 3.11-8.>

The special damages can include both the damages that the plaintiff has already suffered and the damages that the plaintiff is likely to suffer in the future.

If the plaintiff has proven to you that as a result of the defamatory statements made by the defendant, (he/she) has suffered, or in reasonable probability will suffer, a financial loss, (he/she) is entitled to compensation for that loss. If (he/she) has failed to prove any such damage, your verdict must be for the defendant.

Authority

Urban v. Hartford Gas Co., 139 Conn. 301, 308 (1952).

Notes

Both special damages and punitive damages may be awarded in a claim for libel per quod. *DeVito v. Schwartz*, 66 Conn. App. 228, 235-36 (2001). The damage suffered must result from the conduct of someone other than the plaintiff or the defendant.

See General Statutes § 52-237 for the effect of a finding of malice in fact or the effect of a retraction made or refused.

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