

1810 TRESPASS: NOMINAL DAMAGES

If you find that (Defendant) trespassed upon (Plaintiff)'s property, but do not find that (Plaintiff) has sustained measurable damages from the trespass, then your answer to Question _____ may be a nominal sum such as one dollar. A nominal damage award recognizes that although actual damages are immeasurable in dollars, actual harm to the property rights of (Plaintiff) has occurred from the trespass by (Defendant).

COMMENT

This instruction and comment were approved in 2012.

See Jacque v. Steenburg Homes, Inc., 209 Wis.2d 605, 563 N.W.2d 154 (1997).

Nominal damages are always appropriate for a trespass. Jacobs v. Major, 139 Wis.2d 492, 407 N.W.2d 832 (1987). If proved, compensatory damages may also be awarded. Grygiel v. Monches Fish & Game Club, Inc., 2010 WI 93, 328 Wis.2d 436, 787 N.W.2d 6.