

2822 RESTRAINT OF WILL: WIS. STAT. ' 134.01

Section 134.01 of the Wisconsin statutes makes it unlawful for two or more persons, acting together, to maliciously compel another to perform an act against his or her will or to maliciously prevent or hinder another from performing a lawful act.

(Plaintiff) claims that the (defendants) (defendant) and (_____) acted together in violation of this Wisconsin law to maliciously injure (him) (her) by [compelling (him) (her) to] [preventing or hindering (him) (her) from] _____ (state the act) _____.

To establish a violation, (plaintiff) must prove four things:

First, that the (defendants) (defendant) and (_____) acted together.

Second, that the (defendants) (defendant) and (_____) acted with a common purpose to (compel plaintiff to) (prevent or hinder plaintiff from) _____ (state the act) _____.

Third, that the (defendants) (defendant) and (_____) acted maliciously in carrying out the common purpose.

Fourth, the acts of the (defendants) (defendant) and (_____) financially injured the plaintiff.

The first thing (plaintiff) must prove is that the (defendants) (defendant) and (_____) acted together. This means that they agreed, combined, associated or mutually undertook a common purpose.

The second thing (plaintiff) must prove is that the agreed upon purpose was to (compel plaintiff to) (prevent or hinder plaintiff from) _____ (state the act) _____.

The third thing (plaintiff) must prove is that the persons who acted with the common purpose to compel (plaintiff) to perform an act against (his) (her) will or prevent or hinder

(him) (her) from performing a lawful act, acted maliciously; that is, with a malicious motive. For conduct to be malicious, it must be intended to cause harm for harm's sake.

The fourth thing the (plaintiff) must prove is that the harmful acts of the (defendants) (defendant) and (_____) financially injured (plaintiff). This means that (plaintiff) sustained economic damage as a result of the acts of the (defendants) (defendant) and (_____) in carrying out their malicious purpose.

[Burden of Proof, Wis. JI-Civil 205]

COMMENT

This instruction was approved in 2002. See comments to Wis JI-Civil 2820, § 134.01: Injury to Business.