**12.09 ASSAULT OR BATTERY — DAMAGES**

If you find in favor of the plaintiff, you must then decide whether the [assault] [improper touching] caused the plaintiff any actual physical or mental injury, and if it did, you must decide the amount of money necessary to compensate the plaintiff for that injury.

If you decide the defendant [assaulted] [improperly touched] the plaintiff but the plaintiff failed to prove either actual physical or mental injury or the amount or extent of [his][her] damages, then the plaintiff is entitled to an award of nominal damages. Nominal damages may not exceed one dollar.

**Use Note**

This instruction is designed for use in all assault or battery cases.

**Comment**

On the issue of nominal damages, see *Trombley v. Starr-Wood Cardiac Group, P.C.,* 3 P.3d 916, 924 (Alaska 2000). *See also Zok v. State,* 903 P.2d 574, 577-78 (Alaska 1995).