



Case Review

Punitive Damages: Excessive Award

Waddill v. Anchor Hocking, Inc., _Or App_ (10/22/03)

— by Ryan McLellan

Plaintiff suffered serious and permanent injuries to her arms and wrists when a glass fishbowl that Defendant manufactured shattered while she was carrying it. The fishbowl shattered because of a small crack that developed during normal use and that grew because of the stresses that the fishbowl underwent as a result of being carried while filled. Plaintiff argued that a simple and inexpensive warning not to carry the fishbowl with water in it could have prevented her injuries. Defendant was aware of three other incidents in which customers were injured by fishbowls that had shattered. However, it did not retain records of those incidents or attempt to use them to improve the safety of its product.

Based on the above, the jury found the Defendant liable and awarded Plaintiff compensatory damages of \$100,854 and punitive damages of \$1 million.

The Court of Appeals reviewed this award in light of the recent U.S. Supreme Court decision of *State Farm v. Campbell*. The court concluded that under the facts of this case, the \$1 million award of punitive damages was unconstitutionally excessive. Instead, the court held that the maximum constitutionally permissible punitive damage award in this case was four times the compensatory damages for which defendant was liable. The court thus reduced the punitive damage award from \$1 million to \$403,416.

Full case available at:

<http://www.publications.ojd.state.or.us/A91012a.htm>

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