### IDJI 4.82 – Elements of defamation – general case

INSTRUCTION NO. \_\_\_\_\_

In order to prove a claim of defamation, the plaintiff has the burden of proving each of the following elements;

1. The defendant communicated information concerning the plaintiff to others; and

2. The information impugned the honesty, integrity, virtue or reputation of the plaintiff or exposed the plaintiff to public hatred, contempt or ridicule; and

3. The information was false; and

4. The defendant knew it was false, or reasonably should have known that it was false; and

5. The plaintiff suffered actual injury because of the defamation; and

6. The amount of damages suffered by the plaintiff.

Comments:

See Carver v. Ketchum, 53 Idaho 595, 26 P.2d 139; Klam v. Koppel, 63 Idaho 171, 118 P.2d 729; Adair v. Freeman, 92 Idaho 773, 451 P.2d 519.