### IDJI 4.24 – Indirect Battery

INSTRUCTION NO. \_\_\_\_

On plaintiff’s claim of battery, the plaintiff has the burden of proving each of the following propositions:

1. The defendant did an act that caused contact upon the person of the plaintiff;

2. The plaintiff did not permit or consent to the contact;

3. The defendant knew the contact was not permitted;

4. The contact was unlawful or harmful or offensive; and

5. The defendant intended the contact, or intended to place the plaintiff in immediate fear of the contact.

The intent required means only an intent to cause the contact or the fear of contact. It is not necessary to prove that the defendant intended the contact to be harmful or offensive.

You will be asked the following question on the jury verdict form: “Did the defendant commit a battery upon the plaintiff, as defined in the instructions?” If the plaintiff proves all of the propositions in this instruction, you should answer this question “Yes.” If any of these propositions has not been proved, you should answer the question “No.”

#### Alternative for General Verdict

If the plaintiff proves all of the propositions contained in this instruction, you should consider the issue of damages. If any of the propositions has not been proved, your verdict should be for the defendant.