

800.74 INVASION OF PRIVACY—DISCLOSURE OF PRIVATE IMAGES—
NUMBER OF DAYS—LIQUIDATED DAMAGES.

NOTE WELL: This instruction¹ is designed to be used with N.C.P.I.—Civil 800.72 (“Invasion of Privacy – Disclosure of Private Images”) and N.C.P.I.—Civil 800.73 (“Invasion of Privacy—Disclosure of Private Images—Actual Damages”).

The (*state number*) issue reads:

“For how many days did the defendant disclose the plaintiff’s private image?”²

If you have answered the (*state number*) issue “Yes” in favor of the plaintiff, then you must determine for how many days the defendant disclosed the plaintiff’s private image. On this issue, the burden of proof is on the plaintiff. This means that the plaintiff must prove by the greater weight of the evidence the number of days in total the defendant transferred, published, distributed, or reproduced the plaintiff’s private image.

Finally, as to this (*state number*) issue on which the plaintiff has the burdn of proof, it would be your duty to write the total number of days that the defendant disclosed the plaintiff’s private image in the blank space provided.

1. This issue is meant to aid the trial court judge in calculating liquidated damages, as set forth in N.C.G.S. § 14-190.5A(g)(1), in the event that actual damages are less than liquidated damages. Liquidated damages are to be computed at a rate of one thousand dollars (\$1,000) per day for each day of the violation or in the amount of ten thousand dollars (\$10,000), whichever is higher.

2. This instruction may need to be adjusted if the evidence supports that the defendant disclosed more than one private image of the plaintiff.

