

13-1640. Malicious abuse of process; illegitimate motive.

[If the judicial proceeding was brought without probable cause] [If you find that _____ (*name of the defendant*) misused the legal process], you must consider whether _____ (*name of the defendant*)'s primary motive or purpose in [bringing the proceeding without probable cause] [actively participating in bringing the proceeding without probable cause] [_____ (*describe the other misuse or active participation in the misuse of the legal process*)] was to accomplish an illegitimate end. Acting with ill-will or spite toward the plaintiff is not enough to meet this requirement. _____ (*Name of the defendant*) must have [brought] [actively participated in bringing] [_____ (*describe the other misuse or active participation in the misuse of the legal process*)] the judicial proceeding primarily to accomplish a purpose for which the judicial proceeding was not designed. [Adopted by Supreme Court Order No. 09-8300-033, effective October 19, 2009.]