**13-815. Promissory estoppel; definition.**

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of the plaintiff*) [also] seeks damages based upon a claim of promissory estoppel. To establish this claim, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(name of the plaintiff*) must prove all of the following:

 1. that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of the defendant*) made a promise to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of the plaintiff*);

 2. that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of the plaintiff*) relied on the promise and it was reasonable for [him] [her] to do so;

 3. that the promise caused \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of the plaintiff*) to change his or her position by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*insert action or forbearance of the plaintiff*);

 4. that the change in position was substantial;

 5. that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of the defendant*) knew or should have known that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of the plaintiff*) would \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*insert action or forbearance*) after \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*name of the defendant*) made the promise.

[Adopted, effective November 1, 1991; as amended by Supreme Court Order No. 12-8300-033, effective for all cases filed or pending on or after January 7, 2013.]