

**13-1640A. Malicious abuse of process; bifurcated trial; instructions prior to bifurcated claim of malicious abuse of process.**

You have heard the evidence and returned a verdict for \_\_\_\_\_  
(*name of the defendant/counter claimant*). You will now hear evidence regarding the  
claim of \_\_\_\_\_ (*name of the defendant/counter claimant*) that  
\_\_\_\_\_ (*name of the plaintiff/counter defendant*) maliciously abused the  
legal process by \_\_\_\_\_ (*describe conduct alleged to be malicious  
abuse of process*).

USE NOTES

This instruction should be used when the court bifurcates the claim of malicious abuse of process and the jury returns a verdict on all counts for the defendant/counter claimant in the underlying suit. It is designed to be used before the presentation of evidence on the malicious abuse of process claim.

[Adopted by Supreme Court Order No. 09-8300-033, effective October 19, 2009.]