

Generally Recognized Damage Principles

1. Compensatory Damages in General (Principle 1)
 - a) Compensates Party Aggrieved for All Detriment Proximately Caused
2. Transaction Causation (Principle 2)
 - a) Assumed Liability For the Breach Act
3. Loss Causation (Principle 2)
 - a) Removes, Adjusts and Accounts For Loss of Revenues Due to Non-Wrongful Factors
4. But For Lost Profits (Principle 3)
 - a) Applies a Generally Accepted and Reliable Method to Estimate Lost Revenues
 - b) Calculates and Deducts All Avoided Costs
 - c) Utilizes Reliable Factors to Estimate the Period of Loss
6. Loss Measured at Time of Wrongful Act (Principle 4)
 - a) Properly Measures Loss at Time of Alleged Wrongful Act (Ex Ante)
 - b) Measures Loss at Date of Trial (Ex Post)
7. Parity In Risk and Present Value (Principle 5)
 - a) Applies and Accounts For Projection Risk
 - b) Applies a Reasonable Discount Rate
 - c) Reduces Future Losses From Date of Breach to a Net Present Value at Date of Alleged Wrongful Act
8. Profitable Opportunities and Sufficient Revenues (Principle 6)
 - a) Establishes That Sufficient Enterprise Resources Were Present to Perform the Work and Earn Profits
9. Applies Reasonable Estimates Utilizing Reliable Factors (Principle 7)
 - a) Based Upon Sufficient Relevant Market Data and Market Metrics to Avoid Undue Speculation
10. Offset For Mitigating Acts (Principle 8)
 - a) Deducts the Value of Redeployed Plaintiff Activities, Resources and Revenues
11. Pre-Judgment Interest or Opportunity Cost (Principle 9)
 - a) Applies Statutory Interest or Other Appropriate Time Value of Money Rates to Losses at the Date of Wrongful Acts