

Punitive Damages and French Ordre Public

F.X. Licari's article "The Difficulty to Enforce US Punitive Damages Award in France: A Critical Comment of the First Ruling of the French Court of Cassation (La Compatibilité de Principe des Punitive Damages Avec l'Ordre Public International: Une Décision en Trompe-L'oeil de la Cour de Cassation?)", published in *Recueil Dalloz*, No. 6, p. 423-427, 2011, is now available at SSRN . The abstract reads:

"In an important decision issued on December 1st, 2010, the Cour de cassation held that an award of punitive damages is not, per se, contrary to public policy, adding however that this principle does not apply when the amount awarded is disproportionate with regard to the damage sustained and the debtor's breach of his contractual obligations.

In this case, the foreign judgment was from California. The plaintiffs had been awarded \$1.39 million USD in compensatory damages and \$1.46 million USD in punitive damages. This was found to be clearly disproportionate because, as the Court held, the amount of punitive damages was clearly higher than the amount of compensatory damages (a very large difference of \$70,000 USD). It dismisses an appeal from a judgment from the Poitiers Court of appeal."

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