

4/1/81

80-396 City of Newport

1. Punitive damage issue  
Not raised - Rule 51  
- until motion for  
judg. NOV.  
DC reached merits.

CA1 probably did  
not. It could not say  
~~for~~ giving of punitive  
damage instruction was  
"plain error."

I will not  
dissent if we affirm  
on this ground

2. Merits - No sense to  
allow such damage ~~to~~  
vs both City & individuals.