

DAMAGES IN ITALIAN PERSONAL INJURY CASES

Anna Masutti, Claudio Perrella, Alessandro Paci and Daniele D'Antonio

Table of contents

1. ITALIAN JUDICIAL SYSTEM

1	.1	l.	II.	alia	n co	OUL	t s	vsl	-e	m
	•		10	9,119	11 0	001	c J	y J	~	

- 1.2. Procedure
- 1.3. Power of attorney
- 1.4. Fast-track proceedings
- 1.5. Interim remedies
- 1.6. Mediation and ADR systems
- 1.7. Costs
- 1.8. Subrogated actions

2. PRINCIPLES OF TORT LAW

- 2.1. Sources of liability under Italian law
- 2.2. Liability of masters and employers for negligence of the servants and employees
- 2.3. Liability for the performance of dangerous activity or the custody of things
- 2.4. Liability arising from car or motor accidents
- 2.5. Liability for medical malpractice
- 2.6. Damages
- 2.7. Remoteness
- 2.8. Burden of proof
- 2.9. Duty to mitigate
- 2.10. Contributory negligence
- 2.11. The Compensatio lucri cum damno principle

3. ASSESSMENT AND LIQUIDATION OF DAMAGES

3.1.	Pecuniary and non-pecuniary damages: overview				
3.2.	Therapies and medical treatments				
3.3.	Paid domestic assistance				
3.4.	Unpaid domestic assistance				
3.5.	Future costs of care and assistance				
3.6.	Annuity				
3.7.	Adaptation and refurbishment of the home				
3.8.	Past and future loss of earnings of the primary victim				
3.9.	Past and future loss of earnings of the secondary				
	victims				
3.10.	Assessment and liquidation of non-pecuniary				
	damages in favour of the primary victim				
3.11.	Permanent and temporary impairment pursuant				
	to Milan and Rome tables				
3.12.	Assessment and liquidation of non-pecuniary				
	damages for secondary victims				
3.13.	The "danno differenziale" in accidents at work				
3.14.	Inheritance of claims belonging to the primary victim				
3.15.	Claims brought by foreign nationals				
	and their relatives				
3.16.	Punitive damages				