

DAMAGE INSTRUCTIONS _ “NO SPECULATION”

Damages which are purely speculative cannot be recovered. But it is the uncertainty as to the fact of damages, and not as to the amount of damages, that is to be considered. Where it is certain that the damages resulted, mere uncertainty as to the amount does not justify the jury in refusing recovery. A mere difficulty in assessment of damages is not sufficient reason for refusing them where the right to damages has been established.

Brown v. Crozer Coal & Land Co., 107 S.E.2d 777, 144 W. Va. 196 (1959)