

# WEST VIRGINIA CODE: §55-20-6

## §55-20-6. Remedies.

(a) In an action under this article, a prevailing plaintiff may recover:

(1) The greater of:

(A) Economic and noneconomic damages proximately caused by the defendant's disclosure or threatened disclosure, including damages for emotional distress, whether or not accompanied by other damages; or

(B) Statutory damages not to exceed \$10,000 against each defendant found liable under this article for all disclosure and threatened disclosures by the defendant of which the plaintiff knew or reasonably should have known when filing the action or which became known during the pendency of the action. In determining the amount, if any, of statutory damages under §55-20-6(a)(1)(B) of this code, consideration shall be given to the age of the parties at the time of disclosure or threatened disclosure, the number of disclosures or threatened disclosures made by the defendant, the breadth of distribution of the image by the defendant, and other exacerbating or mitigating factors;

(2) An amount equal to any monetary gain made by the defendant from disclosure of the intimate image; and

(3) Punitive damages as allowed under the law of this state other than this article.

(b) In an action under this article, the court may award a prevailing plaintiff:

(1) Reasonable attorney's fees and costs; and

(2) Additional relief, including injunctive relief.