**24.12A RESTITUTION (PROMISSORY ESTOPPEL)**

If you find that the defendant's promise is enforceable, you must decide how much money, if any, to award the plaintiff as restitution damages. To calculate the plaintiff's restitution damages, you must determine the value of any [benefit that the plaintiff conferred] [detriment that the plaintiff incurred] in reliance on the defendant's promise.

**Use Note**

This instruction should follow the liability instruction in Article 24.01B. This instruction is applicable only to a claim that the parties did not form a contract and the theory of liability is promissory estoppel. If the claim for restitution is made by a breaching party in a breach of contract action, then Article 24.12B should be used.

The two bracketed phrases are not necessarily mutually exclusive.