

Jury Instructions — The Law in this Case

BURDEN OF PROOF

The Plaintiffs, in maintaining an action against the Defendant, have the burden of proving the essential elements of their claim by the greater weight of the evidence. Evidence is of greater weight if, when considered and compared with that opposed to it, it is more persuasive and convinces you that what a party seeks to prove is more likely true than not true. It is immaterial who produces the persuasive evidence.

PROXIMATE CAUSE

Proximate cause means that cause which, in a natural and continuous sequence, produces an event and without which cause such event would not have occurred. There may be more than one proximate cause of an event.

NEGLIGENCE

Negligence is the failure to use ordinary care. It is the failure to act in a way that an ordinary and prudent person would have acted in the same or similar circumstances. A person is presumed to have exercised ordinary care, unless the contrary is shown by the greater weight of the evidence. The greater the danger, the greater is the care required. The mere fact that a mishap occurred, considered alone, is not in itself evidence of negligence on the part of any of the people involved.

ADEQUATE COMPENSATION

Damages, if allowed, should be adequate to fairly compensate Plaintiffs for the detriment they have suffered and are reasonably certain to suffer in the future. The measure of damages is the amount that will compensate them for all detriment proximately caused by the negligent act or omission, whether or not it could have been anticipated. Damages in all cases must be reasonable, but may not be greater than the amount claimed or proved by Plaintiffs.

SYMPATHY

This case must not be decided for or against anyone because you feel sorry for anyone or angry at anyone. It is your sworn duty to decide this case based on the facts and the law, without regard to sympathy, passion or prejudice.

QUOTIENT VERDICT

If you award damages to Plaintiffs, you must avoid using a "quotient" verdict method by which you agree, in advance, to have each juror write down an amount, adding the amounts together and then dividing the total to arrive at an award. Such methods of agreeing in advance to split the difference between differing views are illegal and must not be used.