

## **JURY INSTRUCTIONS**

## **JURY INSTRUCTION NUMBER 1**

### **NEGLIGENCE**

Negligence is the failure to use reasonable care. Reasonable care is that degree of care which a reasonably careful person would use under like circumstances. Negligence may consist of either doing something that a reasonably careful person would not do under like circumstances or in failing to do something that a reasonably careful person would do under like circumstances.

You must decide whether Defendant, Chipper Properties failed to use reasonable care in the in the detection, repair, refurbishing, inspection, maintenance and testing of the JET HOIST.

If you find any such negligence, you must then decide if the negligent act or failure to act was the direct and proximate cause of the Plaintiff's injuries.

**JURY INSTRUCTION NUMBER 2**

**NEGLIGENCE - CAUSATION**

Negligence is a legal cause of loss, injury or damage if it directly, and in natural and continuous sequence, produces or contributes substantially to producing such loss, injury or damage, so that it can reasonably be said that, but for the negligence, the loss, injury or damage would not have occurred.

In order to be regarded as the legal cause of loss, injury or damage, negligence need not be the only cause. Negligence may be a legal cause of loss, injury or damage even though it operates in combination with the act of another or some other cause occurring after the negligence occurs if such other cause was itself reasonably foreseeable and the negligence contributes substantially to producing such loss, injury or damage or the resulting loss, injury or damage was a reasonably foreseeable consequence of the negligence and the negligence contributes substantially to producing it.

**JURY INSTRUCTION NUMBER 3**

If the greater weight of the evidence does not support the claim of GERRY COOK, your verdict should be for CHIPPER PROPERTIES, INC.

However, if the greater weight of the evidence does support the claim of GERRY COOK, then you shall consider the defense raised by CHIPPER PROPERTIES, INC.

On the defense, the issue for your determination is whether CHIPPER PROPERTIES, INC. was negligent and, if so, whether such negligence was a contributing legal cause of the injury or damage complained of.

If the greater weight of the evidence does not support the defense of CHIPPER PROPERTIES, INC., then your verdict should be for GERRY COOK.

If however, the greater weight of the evidence shows that both GERRY COOK and CHIPPER PROPERTIES, INC. were negligent and that the negligence of each contributed as a legal cause of injury sustained by GERRY COOK, you should determine and write on the verdict form what percentage of the total negligence of both parties to this action is chargeable to each.

**JURY INSTRUCTION 4**

**GREATER WEIGHT OF THE EVIDENCE**

"Greater weight of the evidence" means the more persuasive and convincing force and effect of the entire evidence of the case.