

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ROCCO SPIZZIRRI,)	
)	
PLAINTIFF,)	Case No. 00 C 3159
)	
V.)	
)	Magistrate Judge Morton Denlow
LLOYD RISTICH,)	
DOING BUSINESS AS TCB PAVING,)	
)	
DEFENDANT.)	

JURY INSTRUCTIONS

INTRODUCTION TO THE FINAL CHARGE

MEMBERS OF THE JURY:

NOW THAT YOU HAVE HEARD ALL OF THE EVIDENCE TO BE RECEIVED IN THIS TRIAL AND EACH OF THE ARGUMENTS OF COUNSEL IT BECOMES MY DUTY TO GIVE YOU THE COURT'S FINAL INSTRUCTIONS AS TO THE LAW THAT IS APPLICABLE TO THIS CASE AND WHICH WILL GUIDE YOU IN YOUR DECISIONS.

ALL OF THE INSTRUCTIONS OF LAW GIVEN TO YOU BY THE COURT – THOSE GIVEN TO YOU AT THE BEGINNING OF THE TRIAL, THOSE GIVEN TO YOU DURING THE TRIAL, IF ANY, AND THESE FINAL INSTRUCTIONS-MUST GUIDE AND GOVERN YOUR DELIBERATIONS.

IT IS YOUR DUTY AS JURORS TO FOLLOW THE LAW AS STATED IN ALL OF THE INSTRUCTIONS OF THE COURT AND TO APPLY THESE RULES OF LAW TO THE FACTS AS YOU FIND THEM FROM THE EVIDENCE RECEIVED DURING THE TRIAL.

COUNSEL HAVE QUITE PROPERLY REFERRED TO SOME OF THE APPLICABLE RULES OF LAW IN THEIR CLOSING ARGUMENTS TO YOU. IF, HOWEVER, ANY DIFFERENCE APPEARS TO YOU BETWEEN THE LAW AS STATED BY COUNSEL AND THAT AS STATED BY THE COURT IN THESE INSTRUCTIONS, YOU, OF COURSE, ARE TO BE GOVERNED BY THE INSTRUCTIONS GIVEN TO YOU BY THE COURT.

YOU ARE NOT TO BE CONCERNED WITH THE WISDOM OF ANY RULE OF LAW STATED BY THE COURT. REGARDLESS OF ANY OPINION YOU MAY HAVE AS TO WHAT THE

LAW OUGHT TO BE, IT WOULD BE A VIOLATION OF YOUR SWORN DUTY TO BASE ANY PART OF YOUR VERDICT UPON ANY OTHER VIEW OR OPINION OF THE LAW THAN THAT GIVEN IN THESE INSTRUCTIONS OF THE COURT JUST AS IT WOULD BE A VIOLATION OF YOUR SWORN DUTY, AS THE JUDGES OF THE FACTS, TO BASE YOUR VERDICT UPON ANYTHING BUT THE EVIDENCE RECEIVED IN THE CASE.

YOU WERE CHOSEN AS JURORS FOR THIS TRIAL IN ORDER TO EVALUATE ALL OF THE EVIDENCE RECEIVED AND TO DECIDE EACH OF THE FACTUAL QUESTIONS PRESENTED BY THE ALLEGATIONS BROUGHT BY THE PLAINTIFF, AND THE DENIAL OF THESE ALLEGATIONS BY THE DEFENDANT.

NOTHING I SAY IN THESE INSTRUCTIONS IS TO BE TAKEN AS AN INDICATION THAT I HAVE ANY OPINION ABOUT THE FACTS OF THE CASE, OR WHAT THAT OPINION IS. IT IS NOT MY FUNCTION TO DETERMINE THE FACTS, BUT RATHER YOURS.

YOU MUST PERFORM YOUR DUTIES AS JURORS WITHOUT BIAS OR PREJUDICE AS TO ANY PARTY. THE LAW DOES NOT PERMIT YOU TO BE GOVERNED BY SYMPATHY, PREJUDICE OR PUBLIC OPINION. ALL PARTIES EXPECT THAT YOU WILL CAREFULLY AND IMPARTIALLY CONSIDER ALL OF THE EVIDENCE, FOLLOW THE LAW AS IT IS NOW BEING GIVEN TO YOU, AND REACH A JUST VERDICT, REGARDLESS OF THE CONSEQUENCES.

THIS CASE SHOULD BE CONSIDERED AND DECIDED BY YOU AS AN ACTION BETWEEN PERSONS OF EQUAL STANDING IN THE COMMUNITY, OF EQUAL WORTH, AND HOLDING THE SAME OR SIMILAR STATIONS IN LIFE. REGARDLESS OF WHETHER A PARTY IS A BUSINESS, SUCH AS TCB PAVING, A SOLE PROPRIETORSHIP, OR AN INDIVIDUAL SUCH AS ROCCO SPIZZIRRI OR LLOYD RISTICH, IT IS ENTITLED TO THE SAME FAIR TRIAL AT YOUR HANDS.

WHEN A BUSINESS IS INVOLVED, OF COURSE, IT MAY ACT ONLY THROUGH NATURAL PERSONS AS ITS AGENTS OR EMPLOYEES; AND, IN GENERAL, ANY AGENT OR EMPLOYEE OF A BUSINESS MAY BIND THE BUSINESS BY HIS OR HER ACTS AND DECLARATIONS MADE WHILE ACTING WITHIN THE SCOPE OF AUTHORITY DELEGATED TO HIM OR HER BY THE BUSINESS, OR WITHIN THE SCOPE OF HIS OR HER DUTIES AS AN EMPLOYEE OF THE BUSINESS.

AS STATED EARLIER, IT IS YOUR DUTY TO DETERMINE THE FACTS, AND IN SO DOING, YOU MUST CONSIDER ONLY THE EVIDENCE I HAVE ADMITTED IN THE CASE. THE TERM "EVIDENCE" INCLUDES THE SWORN TESTIMONY OF THE WITNESSES, SWORN TESTIMONY READ TO YOU FROM DEPOSITIONS, THE EXHIBITS ADMITTED IN THE RECORD, AND STIPULATED OR ADMITTED FACTS.

REMEMBER THAT ANY STATEMENTS, OBJECTIONS OR ARGUMENTS MADE BY THE LAWYERS ARE NOT EVIDENCE IN THE CASE. THE FUNCTION OF THE LAWYERS IS TO POINT OUT THOSE THINGS THAT ARE MOST SIGNIFICANT OR MOST HELPFUL TO

THEIR SIDE OF THE CASE, AND IN SO DOING, TO CALL YOUR ATTENTION TO CERTAIN FACTS OR INFERENCES THAT MIGHT OTHERWISE ESCAPE YOUR NOTICE.

IN THE FINAL ANALYSIS, HOWEVER, IT IS YOUR OWN RECOLLECTION AND INTERPRETATION OF THE EVIDENCE THAT CONTROLS. WHAT THE LAWYERS SAY IS NOT BINDING UPON YOU.

SO, WHILE YOU SHOULD CONSIDER ONLY THE EVIDENCE IN THE CASE, YOU ARE PERMITTED TO DRAW SUCH REASONABLE INFERENCES FROM THE TESTIMONY AND EXHIBITS AS YOU FEEL ARE JUSTIFIED IN THE LIGHT OF YOUR OWN EXPERIENCE. IN OTHER WORDS, YOU MAY MAKE DEDUCTIONS AND REACH CONCLUSIONS WHICH REASON AND COMMON SENSE LEAD YOU TO DRAW FROM THE FACTS WHICH HAVE BEEN ESTABLISHED BY THE TESTIMONY AND EVIDENCE IN THE CASE. HOWEVER, YOU ARE ALSO NOT TO ALLOW YOUR OWN PERSONAL EXPERIENCE TO SUBSTITUTE FOR A REVIEW OF ALL OF THE EVIDENCE PRESENTED TO YOU IN THIS CASE.

WHEN THE ATTORNEYS ON BOTH SIDES STIPULATE OR AGREE AS TO THE EXISTENCE OF A FACT, THE JURY MUST, UNLESS OTHERWISE INSTRUCTED, ACCEPT THE STIPULATION AND REGARD THAT FACT AS PROVED.

UNLESS YOU ARE OTHERWISE INSTRUCTED, THE EVIDENCE IN THE CASE ALWAYS CONSISTS OF THE SWORN TESTIMONY OF THE WITNESSES, REGARDLESS OF WHO MAY HAVE CALLED THEM; ALL EXHIBITS RECEIVED AS EVIDENCE, REGARDLESS OF WHO MAY HAVE PRODUCED THEM; AND ALL FACTS WHICH MAY HAVE BEEN JUDICIALLY NOTICED.

ANY EVIDENCE AS TO WHICH AN OBJECTION WAS SUSTAINED BY THE COURT, AND ANY EVIDENCE ORDERED STRICKEN BY THE COURT, MUST BE ENTIRELY DISREGARDED.

UNLESS YOU ARE OTHERWISE INSTRUCTED, ANYTHING YOU MAY HAVE SEEN OR HEARD OUTSIDE THE COURTROOM IS NOT EVIDENCE AND MUST BE ENTIRELY DISREGARDED.

YOU, AS JURORS, ARE THE SOLE JUDGES OF THE CREDIBILITY OF THE WITNESSES AND THE WEIGHT THEIR TESTIMONY DESERVES. YOU MAY BE GUIDED BY THE APPEARANCE AND CONDUCT OF THE WITNESS OR BY THE MANNER IN WHICH THE WITNESS TESTIFIES, OR BY THE CHARACTER OF THE TESTIMONY GIVEN, OR BY THE EVIDENCE TO THE CONTRARY OF THE TESTIMONY GIVEN.

YOU SHOULD CAREFULLY SCRUTINIZE ALL THE TESTIMONY, GIVEN THE CIRCUMSTANCES UNDER WHICH EACH WITNESS HAS TESTIFIED, AND EVERY MATTER IN EVIDENCE WHICH TENDS TO SHOW WHETHER A WITNESS IS WORTHY OF BELIEF. CONSIDER EACH WITNESS' INTELLIGENCE, MOTIVE AND STATE OF MIND, AND DEMEANOR OR MANNER WHILE ON THE STAND. CONSIDER THE WITNESS'

ABILITY TO OBSERVE THE MATTERS AS TO WHICH THE WITNESS HAS TESTIFIED, AND WHETHER THE WITNESS IMPRESSES YOU AS HAVING AN ACCURATE RECOLLECTION OF THESE MATTERS. CONSIDER ALSO ANY RELATION EACH WITNESS MAY BEAR TO EITHER SIDE OF THE CASE; THE MANNER IN WHICH EACH WITNESS MIGHT BE AFFECTED BY THE VERDICT; AND THE EXTENT TO WHICH, IF AT ALL, EACH WITNESS IS EITHER SUPPORTED OR CONTRADICTED BY OTHER EVIDENCE IN THE CASE.

INCONSISTENCIES OR DISCREPANCIES IN THE TESTIMONY OF A WITNESS, OR BETWEEN THE TESTIMONY OF DIFFERENT WITNESSES, MAY OR MAY NOT CAUSE THE JURY TO DISCREDIT SUCH TESTIMONY. TWO OR MORE PERSONS WITNESSING AN INCIDENT OR TRANSACTION MAY SEE OR HEAR IT DIFFERENTLY; AN INNOCENT MISRECOLLECTION, LIKE FAILURE OF RECOLLECTION, IS NOT AN UNCOMMON EXPERIENCE. IN WEIGHING THE EFFECT OF A DISCREPANCY, ALWAYS CONSIDER WHETHER IT PERTAINS TO A MATTER OF IMPORTANCE OR AN UNIMPORTANT DETAIL, AND WHETHER THE DISCREPANCY RESULTS FROM INNOCENT ERROR OR INTENTIONAL FALSEHOOD.

AFTER MAKING YOUR OWN JUDGMENT, YOU WILL GIVE THE TESTIMONY OF EACH WITNESS SUCH WEIGHT, IF ANY, AS YOU MAY THINK IT DESERVES.

YOU MAY, IN SHORT, ACCEPT OR REJECT THE TESTIMONY OF ANY WITNESS IN WHOLE OR IN PART.

ALSO, THE WEIGHT OF THE EVIDENCE IS NOT NECESSARILY DETERMINED BY THE NUMBER OF WITNESSES TESTIFYING TO THE EXISTENCE OR NON-EXISTENCE OF ANY FACT. YOU MAY FIND THAT THE TESTIMONY OF A SMALL NUMBER OF WITNESSES AS TO ANY FACT IS MORE CREDIBLE THAN THE TESTIMONY OF A LARGER NUMBER OF WITNESSES TO THE CONTRARY.

THE LAW DOES NOT REQUIRE ANY PARTY TO CALL AS WITNESSES ALL PERSONS WHO MAY HAVE BEEN PRESENT AT ANY TIME OR PLACE INVOLVED IN THE CASE, OR WHO MAY APPEAR TO HAVE SOME KNOWLEDGE OF THE MATTERS IN ISSUE AT THIS TRIAL. NOR DOES THE LAW REQUIRE ANY PARTY TO PRODUCE AS EXHIBITS ALL PAPERS AND THINGS MENTIONED IN EVIDENCE IN THE CASE.

AN ATTORNEY HAS A RIGHT TO INTERVIEW A WITNESS FOR THE PURPOSE OF LEARNING WHAT TESTIMONY THE WITNESS WILL GIVE. THE FACT THAT THE WITNESS HAS TALKED TO AN ATTORNEY AND TOLD HIM OR HER WHAT HE OR SHE WOULD TESTIFY TO DOES NOT, BY ITSELF, REFLECT ADVERSELY ON THE TRUTH OF THE TESTIMONY OF THE WITNESS.

THE CREDIBILITY OF A WITNESS MAY BE ATTACKED BY INTRODUCING EVIDENCE THAT ON SOME FORMER OCCASION THE WITNESS MADE A STATEMENT INCONSISTENT WITH THE TESTIMONY OF THE WITNESS IN THIS CASE ON A MATTER

MATERIAL TO THE ISSUES. EVIDENCE OF THIS KIND MAY BE CONSIDERED BY YOU IN CONNECTION WITH ALL THE OTHER FACTS AND CIRCUMSTANCES IN EVIDENCE IN DECIDING THE WEIGHT TO BE GIVEN TO THE TESTIMONY OF THAT WITNESS.

THERE ARE, GENERALLY SPEAKING, TWO TYPES OF EVIDENCE FROM WHICH A JURY MAY PROPERLY FIND THE TRUTH AS TO THE FACTS OF A CASE. ONE IS DIRECT EVIDENCE – SUCH AS THE TESTIMONY OF ANY EYEWITNESS. THE OTHER IS INDIRECT OR CIRCUMSTANTIAL EVIDENCE – THE PROOF OF A CHAIN OF CIRCUMSTANCES POINTING TO THE EXISTENCE OR NON-EXISTENCE OF CERTAIN FACTS.

AS A GENERAL RULE, THE LAW MAKES NO DISTINCTION BETWEEN DIRECT OR CIRCUMSTANTIAL EVIDENCE, BUT SIMPLY REQUIRES THAT THE JURY FIND THE FACTS IN ACCORDANCE WITH THE PREPONDERANCE OF ALL THE EVIDENCE IN THE CASE, BOTH DIRECT AND CIRCUMSTANTIAL.

THE ESSENTIAL ELEMENTS OF THE PLAINTIFF'S CLAIM

THE PLAINTIFF HAS THE BURDEN OF PROVING EACH OF THE FOLLOWING PROPOSITIONS:

FIRST, THAT THE DEFENDANT ACTED OR FAILED TO ACT IN ONE OF THE WAYS CLAIMED BY THE PLAINTIFF AS STATED TO YOU IN THESE INSTRUCTIONS AND THAT IN SO ACTING, OR FAILING TO ACT, THE DEFENDANT WAS NEGLIGENT;

SECOND, THAT THE PLAINTIFF WAS INJURED;

THIRD, THAT THE NEGLIGENCE OF THE DEFENDANT WAS A PROXIMATE CAUSE OF THE INJURY TO THE PLAINTIFF.

IF YOU FIND FROM YOUR CONSIDERATION OF ALL THE EVIDENCE THAT ANY OF THESE PROPOSITIONS HAS NOT BEEN PROVED, THEN YOUR VERDICT SHOULD BE FOR THE DEFENDANT. ON THE OTHER HAND, IF YOU FIND FROM YOUR CONSIDERATION OF ALL THE EVIDENCE THAT EACH OF THESE PROPOSITIONS HAS BEEN PROVED, THEN YOU MUST CONSIDER THE DEFENDANT'S CLAIM THAT THE PLAINTIFF WAS CONTRIBUTORILY NEGLIGENT.

AS TO THAT CLAIM, THE DEFENDANT HAS THE BURDEN OF PROVING BOTH OF THE FOLLOWING PROPOSITIONS:

A: THAT THE PLAINTIFF ACTED OR FAILED TO ACT IN ONE OF THE WAYS CLAIMED BY THE DEFENDANT AS STATED TO YOU IN THESE INSTRUCTIONS AND THAT IN SO ACTING, OR FAILING TO ACT, THE PLAINTIFF WAS NEGLIGENT;

B: THAT THE PLAINTIFF'S NEGLIGENCE WAS A PROXIMATE CAUSE OF HIS INJURY.

IF YOU FIND FROM YOUR CONSIDERATION OF ALL THE EVIDENCE THAT THE DEFENDANT HAS PROVED BOTH OF THE PROPOSITIONS REQUIRED OF THE DEFENDANT, AND IF YOU FIND THAT THE PLAINTIFF'S CONTRIBUTORY NEGLIGENCE WAS MORE THAN 50% OF THE TOTAL PROXIMATE CAUSE OF THE INJURY OR DAMAGE FOR WHICH RECOVERY IS SOUGHT, THEN YOUR VERDICT SHOULD BE FOR THE DEFENDANT.

IF YOU FIND FROM YOUR CONSIDERATION OF ALL THE EVIDENCE THAT THE PLAINTIFF HAS PROVED ALL THE PROPOSITIONS REQUIRED OF THE PLAINTIFF AND THAT THE DEFENDANT HAS PROVED BOTH OF THE PROPOSITIONS REQUIRED OF THE DEFENDANT, AND IF YOU FIND THAT THE PLAINTIFF'S CONTRIBUTORY NEGLIGENCE WAS 50% OR LESS OF THE TOTAL PROXIMATE CAUSE OF THE INJURY OR DAMAGE FOR WHICH RECOVERY IS SOUGHT, THEN YOUR VERDICT SHOULD BE FOR THE

PLAINTIFF AND YOU WILL REDUCE THE PLAINTIFF'S DAMAGES IN THE MANNER STATED TO YOU IN THESE INSTRUCTIONS.

WHEN I SAY IN THESE INSTRUCTIONS THAT A PARTY HAS THE BURDEN OF PROOF ON ANY PROPOSITION, OR USE THE EXPRESSION "IF YOU FIND", OR "IF YOU DECIDE", I MEAN YOU MUST BE PERSUADED, CONSIDERING ALL THE EVIDENCE IN THE CASE, THAT THE PROPOSITION IS MORE PROBABLY TRUE THAN NOT TRUE.

DEFINITION OF PREPONDERANCE OF THE EVIDENCE

THE BURDEN IS ON THE PLAINTIFF IN A CIVIL ACTION SUCH AS THIS TO PROVE EVERY ESSENTIAL ELEMENT OF HIS CLAIM BY A “PREPONDERANCE OF THE EVIDENCE.” A “PREPONDERANCE OF THE EVIDENCE” MEANS SUCH EVIDENCE AS, WHEN CONSIDERED AND COMPARED WITH THAT OPPOSED TO IT, HAS MORE CONVINCING FORCE AND PRODUCES IN YOUR MINDS A BELIEF THAT WHAT IS SOUGHT TO BE PROVED IS MORE LIKELY TRUE THAN NOT TRUE. IN OTHER WORDS, TO ESTABLISH A CLAIM BY A “PREPONDERANCE OF THE EVIDENCE” MEANS TO PROVE THAT THE CLAIM IS MORE LIKELY SO THAN NOT SO. THIS RULE DOES NOT, OF COURSE, REQUIRE PROOF TO AN ABSOLUTE CERTAINTY, SINCE PROOF TO AN ABSOLUTE CERTAINTY IS SELDOM POSSIBLE IN ANY CASE.

IN DETERMINING WHETHER ANY FACT IN ISSUE HAS BEEN PROVED BY A “PREPONDERANCE OF THE EVIDENCE”, THE JURY MAY CONSIDER THE TESTIMONY OF ALL THE WITNESSES, REGARDLESS OF WHO MAY HAVE CALLED THEM, AND ALL THE EXHIBITS RECEIVED IN EVIDENCE, REGARDLESS OF WHO MAY HAVE PRODUCED THEM.

IF THE PROOF SHOULD FAIL TO ESTABLISH THAT ANY ESSENTIAL ELEMENT OF THE PLAINTIFF’S CLAIM IS MORE LIKELY TRUE THAN NOT TRUE, THEN THE PLAINTIFF HAS FAILED TO CARRY HIS BURDEN OF PROOF BY A “PREPONDERANCE OF THE EVIDENCE” AND YOU MUST RETURN A VERDICT FOR THE DEFENDANT.

THE PLAINTIFF'S CLAIMS AND THE DEFENDANT'S DEFENSES

THE PLAINTIFF CLAIMS THAT HE WAS INJURED AND SUSTAINED DAMAGE, AND THAT THE DEFENDANT WAS NEGLIGENT IN ONE OR MORE OF THE FOLLOWING RESPECTS:

- IN DRIVING AT A RATE OF SPEED THAT WAS GREATER THAN REASONABLE AND PROPER WITH REGARD TO TRAFFIC CONDITIONS;
- IN FAILING TO YIELD THE RIGHT-OF-WAY TO THE PLAINTIFF'S VEHICLE UPON APPROACHING OR ENTERING THE INTERSECTION IN QUESTION;
- IN FAILING TO DECREASE THE SPEED OF HIS MOTOR VEHICLE WHEN APPROACHING OR CROSSING THE INTERSECTION IN QUESTION;
- IN FAILING TO MAINTAIN A PROPER LOOKOUT FOR OTHER VEHICLES, AND IN PARTICULAR, FOR THE VEHICLE IN WHICH PLAINTIFF WAS OPERATING;
- IN PASSING STOPPED TRAFFIC ON THE RIGHT WHEN IT WAS NOT SAFE TO DO SO.

THE PLAINTIFF FURTHER CLAIMS THAT ONE OR MORE OF THE FOREGOING WAS A PROXIMATE CAUSE OF HIS INJURIES AND DAMAGES.

THE DEFENDANT DENIES THAT HE WAS NEGLIGENT IN DOING ANY OF THE THINGS CLAIMED BY THE PLAINTIFF, AND DENIES THAT ANY CLAIMED ACT OR OMISSION ON HIS PART WAS A PROXIMATE CAUSE OF THE PLAINTIFF'S CLAIMED INJURIES.

THE DEFENDANT FURTHER CLAIMS THAT THE PLAINTIFF, ROCCO SPIZZIRRI, WAS CONTRIBUTORILY NEGLIGENT IN ONE OR MORE OF THE FOLLOWING RESPECTS:

- IN FAILING TO DRIVE AT A RATE OF SPEED THAT WAS REASONABLE AND PROPER WITH REGARD TO THE TRAFFIC CONDITIONS;
- IN FAILING TO YIELD THE RIGHT-OF-WAY TO LLOYD RISTICH'S VEHICLE UPON APPROACHING OR ENTERING THE INTERSECTION IN QUESTION; AND
- IN FAILING TO MAINTAIN A PROPER LOOKOUT FOR VEHICLES, AND IN PARTICULAR FOR THE VEHICLE IN WHICH LLOYD RISTICH WAS OPERATING.

THE DEFENDANT FURTHER CLAIMS THAT ONE OR MORE OF THE FOREGOING WAS A PROXIMATE CAUSE OF THE PLAINTIFF, ROCCO SPIZZIRRI'S INJURIES.

THE PLAINTIFF, ROCCO SPIZZIRRI, DENIES THAT HE DID ANY OF THE THINGS CLAIMED BY DEFENDANT; DENIES THAT HE WAS CONTRIBUTORILY NEGLIGENT IN

DOING ANY OF THE THINGS CLAIMED BY DEFENDANT; AND DENIES THAT ANY CLAIMED ACT OR OMISSION ON HIS PART WAS A PROXIMATE CAUSE OF HIS INJURIES.

DEFINITION OF NEGLIGENCE

WHEN I USE THE WORD “NEGLIGENCE” IN THESE INSTRUCTIONS, I MEAN THE FAILURE TO DO SOMETHING WHICH A REASONABLY CAREFUL PERSON WOULD DO, OR THE DOING OF SOMETHING WHICH A REASONABLY CAREFUL PERSON WOULD NOT DO, UNDER CIRCUMSTANCES SIMILAR TO THOSE SHOWN BY THE EVIDENCE. THE LAW DOES NOT SAY HOW A REASONABLY CAREFUL PERSON WOULD ACT UNDER THOSE CIRCUMSTANCES. THAT IS FOR YOU TO DECIDE.

DUTY OF DEFENDANT

IT WAS THE DUTY OF THE DEFENDANT, BEFORE AND AT THE TIME OF THE OCCURRENCE, TO USE ORDINARY CARE FOR THE SAFETY OF THE PLAINTIFF. THAT MEANS IT WAS THE DUTY OF THE DEFENDANT TO BE FREE FROM NEGLIGENCE.

DEFINITION OF ORDINARY CARE

WHEN I USE THE WORDS “ORDINARY CARE,” I MEAN THE CARE A REASONABLY CAREFUL PERSON WOULD USE UNDER CIRCUMSTANCES SIMILAR TO THOSE SHOWN BY THE EVIDENCE. THE LAW DOES NOT SAY HOW A REASONABLY CAREFUL PERSON WOULD ACT UNDER THOSE CIRCUMSTANCES. THAT IS FOR YOU TO DECIDE.

DEFINITION OF PROXIMATE CAUSE

WHEN I USE THE EXPRESSION “PROXIMATE CAUSE,” I MEAN ANY CAUSE WHICH, IN NATURAL OR PROBABLE SEQUENCE, PRODUCED THE INJURY COMPLAINED OF. IT NEED NOT BE THE ONLY CAUSE, NOR THE LAST OR NEAREST CAUSE. IT IS SUFFICIENT IF IT CONCURS WITH SOME OTHER CAUSE ACTING AT THE SAME TIME, WHICH IN COMBINATION WITH IT, CAUSES THE INJURY.

DEFINITION OF CONTRIBUTORY NEGLIGENCE

WHEN I USE THE EXPRESSION “CONTRIBUTORY NEGLIGENCE,” I MEAN NEGLIGENCE ON THE PART OF THE PLAINTIFF THAT PROXIMATELY CONTRIBUTED TO CAUSE THE ALLEGED INJURY.

DUTY OF PLAINTIFF

IT WAS THE DUTY OF THE PLAINTIFF, BEFORE AND AT THE TIME OF THE OCCURRENCE, TO USE ORDINARY CARE FOR HIS OWN SAFETY. A PLAINTIFF IS CONTRIBUTORILY NEGLIGENT IF (1) HE FAILS TO USE ORDINARY CARE FOR HIS OWN

SAFETY AND (2) HIS FAILURE TO USE SUCH ORDINARY CARE IS A PROXIMATE CAUSE OF THE INJURY.

THE PLAINTIFF'S CONTRIBUTORY NEGLIGENCE, IF ANY, WHICH IS 50% OR LESS OF THE TOTAL PROXIMATE CAUSE OF THE INJURY OR DAMAGE FOR WHICH RECOVERY IS SOUGHT, DOES NOT BAR HIS RECOVERY. HOWEVER, THE TOTAL AMOUNT OF DAMAGES TO WHICH HE WOULD OTHERWISE BE ENTITLED IS REDUCED IN PROPORTION TO THE AMOUNT OF HIS NEGLIGENCE. THIS IS KNOWN AS COMPARATIVE NEGLIGENCE.

IF THE PLAINTIFF'S CONTRIBUTORY NEGLIGENCE IS MORE THAN 50% OF THE TOTAL PROXIMATE CAUSE OF THE INJURY OR DAMAGE FOR WHICH RECOVERY IS SOUGHT, THE DEFENDANT SHALL BE FOUND NOT LIABLE.

DAMAGES

IF YOU FIND THAT LLOYD RISTICH, DOING BUSINESS AS TCB PAVING, WAS NOT NEGLIGENT IN CAUSING ROCCO SPIZZIRRI'S INJURIES, YOU NEED NOT CONSIDER THE QUESTION OF DAMAGES.

IF YOU FIND THAT LLOYD RISTICH, DOING BUSINESS AS TCB PAVING, WAS NEGLIGENT IN CAUSING ROCCO SPIZZIRRI'S INJURIES, THEN YOU MUST CONSIDER WHETHER TO AWARD ROCCO SPIZZIRRI DAMAGES. THE LAW PLACES A BURDEN UPON THE PLAINTIFF TO PROVE SUCH FACTS AS WILL ENABLE YOU TO ARRIVE AT THE AMOUNT OF DAMAGES WITH REASONABLE CERTAINTY AND WITHOUT SPECULATION. WHILE IT IS NOT NECESSARY THAT ROCCO SPIZZIRRI PROVE THE AMOUNT OF THOSE DAMAGES WITH MATHEMATICAL PRECISION, HE IS REQUIRED TO PRESENT SUCH EVIDENCE AS MIGHT REASONABLY BE EXPECTED TO BE AVAILABLE UNDER THE CIRCUMSTANCES.

VALUE OF EARNINGS LOST

IF YOU FIND FOR ROCCO SPIZZIRRI, HE MAY BE ENTITLED TO THE VALUE OF EARNINGS LOST. THE MEASURE OF THE VALUE OF EARNINGS LOST IS DETERMINED BY WHAT HE WOULD HAVE EARNED BUT FOR DEFENDANT'S NEGLIGENCE IN CAUSING HIS INJURIES. TO CALCULATE THE VALUE OF EARNINGS LOST, YOU MUST LOOK TO THE EVIDENCE INTRODUCED CONCERNING WHAT ROCCO SPIZZIRRI WOULD HAVE EARNED OR OTHER MONIES AND VALUE OF BENEFITS HE WOULD HAVE RECEIVED HAD HE NOT BEEN INJURED.

COMPENSATORY DAMAGES

IF YOU FIND THAT LLOYD RISTICH DOING BUSINESS AS TCB PAVING WAS NEGLIGENT IN CAUSING ROCCO SPIZZIRRI'S INJURIES, HE MAY BE ENTITLED TO DAMAGES IN AN AMOUNT WHICH WILL REASONABLY COMPENSATE HIM FOR THE LOSS AND INJURY SUFFERED AS A RESULT OF THE DEFENDANT'S NEGLIGENCE. YOU ARE NOT REQUIRED TO GIVE AN AWARD OF COMPENSATORY DAMAGES.

YOU MAY AWARD HIM REASONABLE COMPENSATION FOR THE FOLLOWING:

- (1) THE DISFIGUREMENT THAT RESULTED FROM THE INJURY;
- (2) THE DISABILITY EXPERIENCED AND REASONABLY CERTAIN TO BE EXPERIENCED IN THE FUTURE;
- (3) THE PAIN AND SUFFERING EXPERIENCED AND REASONABLY CERTAIN TO BE EXPERIENCED IN THE FUTURE;
- (4) THE REASONABLE EXPENSE OF NECESSARY MEDICAL CARE, TREATMENT, AND SERVICES RECEIVED AND THE PRESENT CASH VALUE OF THE REASONABLE EXPENSES OF MEDICAL CARE, TREATMENT AND SERVICES REASONABLY CERTAIN TO BE RECEIVED IN THE FUTURE.

IN DETERMINING THE AMOUNT OF THE AWARD, IF ANY, IT WILL OFTEN BE IMPOSSIBLE FOR YOU TO ARRIVE AT A PRECISE AWARD. THESE DAMAGES ARE INTANGIBLE, AND IT IS DIFFICULT TO ARRIVE AT A PRECISE EVALUATION OF ACTUAL DAMAGES FOR DISFIGUREMENT, DISABILITY AND PAIN AND SUFFERING. NO OPINION OF ANY WITNESS IS REQUIRED AS TO THE AMOUNT OF SUCH REASONABLE COMPENSATION. NONETHELESS, IT IS NECESSARY TO ARRIVE AT A REASONABLE AWARD THAT IS SUPPORTED BY THE EVIDENCE.

IF YOU FIND THAT THE PLAINTIFF, ROCCO SPIZZIRRI, IS ENTITLED TO DAMAGES ARISING IN THE FUTURE BECAUSE OF INJURIES OR BECAUSE OF FUTURE MEDICAL EXPENSES, YOU MUST DETERMINE THE AMOUNT OF THESE DAMAGES WHICH WILL ARISE IN THE FUTURE.

IF THESE DAMAGES ARE OF A CONTINUING NATURE, YOU MAY CONSIDER HOW LONG THEY WILL CONTINUE. IF THESE DAMAGES ARE PERMANENT IN NATURE, THEN IN COMPUTING THESE DAMAGES YOU MAY CONSIDER HOW LONG THE PLAINTIFF IS LIKELY TO LIVE.

IN COMPUTING THE DAMAGES ARISING IN THE FUTURE BECAUSE OF FUTURE MEDICAL EXPENSES YOU MUST NOT SIMPLY MULTIPLY THE EXPENSES AND EARNINGS BY THE LENGTH OF TIME YOU HAVE FOUND THEY WILL CONTINUE OR BY THE NUMBER OF YEARS YOU HAVE FOUND THAT THE PLAINTIFF IS LIKELY TO LIVE. INSTEAD, YOU MUST DETERMINE THEIR "PRESENT CASH VALUE." "PRESENT CASH VALUE" MEANS THE SUM OF MONEY NEEDED NOW, WHICH ADDED TO WHAT THAT SUM MAY REASONABLY BE EXPECTED TO EARN IN THE FUTURE, WILLEQUAL THE AMOUNT OF THE EXPENSES AT THE TIME IN THE FUTURE WHEN THE EXPENSES MUST BE PAID OR THE EARNINGS WOULD HAVE BEEN RECEIVED.

DAMAGES FOR FUTURE PAIN AND SUFFERING AND DISABILITY ARE NOT REDUCED TO PRESENT CASH VALUE.

ACCORDING TO A TABLE OF MORTALITY IN EVIDENCE, THE LIFE EXPECTANCY OF A PERSON AGED 33 YEARS IS 42.2 YEARS. THIS FIGURE IS NOT CONCLUSIVE. IT IS THE AVERAGE LIFE EXPECTANCY OF PERSONS WHO HAVE REACHED THE AGE OF 33. IT MAY BE CONSIDERED BY YOU IN CONNECTION WITH OTHER EVIDENCE RELATING TO THE PROBABLE LIFE EXPECTANCY OF THE PLAINTIFF IN THIS CASE, INCLUDING EVIDENCE OF HIS OCCUPATION, HEALTH, HABITS, AND OTHER ACTIVITIES, BEARING IN MIND THAT SOME PERSONS LIVE LONGER AND SOME PERSONS LESS THAN THE AVERAGE.

THE FACT THAT I HAVE INSTRUCTED YOU AS TO THE PROPER MEASURE OF DAMAGES SHOULD NOT BE CONSIDERED AS INTIMATING ANY VIEW OF MINE AS TO WHICH PARTY IS ENTITLED TO YOUR VERDICT IN THIS CASE. INSTRUCTIONS AS TO THE MEASURE OF DAMAGES ARE GIVEN FOR YOUR GUIDANCE, IN THE EVENT YOU SHOULD FIND IN FAVOR OF THE PLAINTIFF FROM A PREPONDERANCE OF THE EVIDENCE IN THE CASE IN ACCORDANCE WITH THE OTHER INSTRUCTIONS.

VERDICT - UNANIMOUS - DUTY TO DELIBERATE

THE VERDICT MUST REPRESENT THE CONSIDERED JUDGMENT OF EACH JUROR. IN ORDER TO RETURN A VERDICT, IT IS NECESSARY THAT EACH JUROR AGREE. YOUR VERDICT MUST BE UNANIMOUS.

IT IS YOUR DUTY, AS JURORS, TO CONSULT WITH ONE ANOTHER, AND TO DELIBERATE WITH A VIEW TO REACHING AN AGREEMENT, IF YOU CAN DO SO WITHOUT VIOLENCE TO INDIVIDUAL JUDGMENT. YOU MUST EACH DECIDE THE CASE FOR YOURSELF, BUT ONLY AFTER AN IMPARTIAL CONSIDERATION OF THE EVIDENCE IN THE CASE WITH YOUR FELLOW JURORS. IN THE COURSE OF YOUR DELIBERATIONS, DO NOT HESITATE TO RE-EXAMINE YOUR OWN VIEWS, AND CHANGE YOUR OPINION, IF CONVINCED IT IS ERRONEOUS. BUT DO NOT SURRENDER YOUR HONEST CONVICTION AS TO THE WEIGHT OR EFFECT OF EVIDENCE, SOLELY BECAUSE OF THE OPINION OF YOUR FELLOW JURORS, OR FOR THE MERE PURPOSE OF RETURNING A VERDICT.

REMEMBER AT ALL TIMES THAT YOU ARE NOT PARTISANS. YOU ARE JUDGES – JUDGES OF THE FACTS. YOUR SOLE INTEREST IS TO SEEK THE TRUTH FROM THE EVIDENCE IN THE CASE.

INSTRUCTIONS ON USE OF VERDICT FORMS

WHEN YOU RETIRE TO THE JURY ROOM YOU WILL FIRST SELECT A FOREPERSON. HE OR SHE WILL PRESIDE DURING YOUR DELIBERATIONS.

YOUR VERDICT MUST BE UNANIMOUS.

FORMS OF VERDICT ARE SUPPLIED WITH THESE INSTRUCTIONS. AFTER YOU HAVE REACHED YOUR VERDICT, FILL IN AND SIGN THE APPROPRIATE FORM OF VERDICT AND RETURN IT TO THE COURT. YOUR VERDICT MUST BE SIGNED BY EACH OF YOU. YOU SHOULD NOT WRITE OR MARK UPON THIS OR ANY OF THE OTHER INSTRUCTIONS GIVEN TO YOU BY THE COURT.

IF YOU FIND FOR ROCCO SPIZZIRRI AND AGAINST LLOYD RISTICH, DOING BUSINESS AS TCB PAVING, AND IF YOU FURTHER FIND THAT ROCCO SPIZZIRRI WAS NOT CONTRIBUTORILY NEGLIGENT, THEN YOU SHOULD USE VERDICT FORM A, WHICH READS AS FOLLOWS:

“WE, THE JURY, FIND FOR ROCCO SPIZZIRRI AND AGAINST LLOYD RISTICH, DOING BUSINESS AS TCB PAVING. WE ASSESS THE DAMAGES IN THE SUM OF \$ _____, ITEMIZED AS FOLLOWS:

- (1) THE DISFIGUREMENT RESULTING FROM THE INJURY:
\$ _____;
- (2) THE DISABILITY EXPERIENCED AND REASONABLY CERTAIN TO BE EXPERIENCED IN THE FUTURE:
\$ _____;
- (3) THE PAIN AND SUFFERING EXPERIENCED AND REASONABLY CERTAIN TO BE EXPERIENCED IN THE FUTURE:
\$ _____;
- (4) THE REASONABLE EXPENSE OF NECESSARY MEDICAL CARE, TREATMENT, AND SERVICES RECEIVED, AND THE PRESENT CASH VALUE OF THE REASONABLE EXPENSES OF MEDICAL CARE, TREATMENT AND SERVICES REASONABLY CERTAIN TO BE RECEIVED IN THE FUTURE: \$ _____;
- (5) THE VALUE OF EARNINGS LOST: \$ _____;

DATE

FOREPERSON

IF YOU FIND FOR ROCCO SPIZZIRRI AND AGAINST LLOYD RISTICH, DOING BUSINESS AS TCB PAVING, AND IF YOU FURTHER FIND THAT ROCCO SPIZZIRRI'S INJURY WAS PROXIMATELY CAUSED BY A COMBINATION OF LLOYD RISTICH, DOING BUSINESS AS TCB PAVING'S NEGLIGENCE AND ROCCO SPIZZIRRI'S CONTRIBUTORY NEGLIGENCE AND THAT ROCCO SPIZZIRRI'S CONTRIBUTORY NEGLIGENCE WAS 50% OR LESS OF THE TOTAL PROXIMATE CAUSE OF THE INJURY OR DAMAGE FOR WHICH RECOVERY IS SOUGHT, THEN YOU SHOULD USE VERDICT FORM B, WHICH READS AS FOLLOWS:

WE THE JURY FIND FOR ROCCO SPIZZIRRI, AND AGAINST LLOYD RISTICH, DOING BUSINESS AS TCB PAVING, AND FURTHER FIND THE FOLLOWING:

FIRST: WITHOUT TAKING INTO CONSIDERATION THE QUESTION OF REDUCTION OF DAMAGES DUE TO THE NEGLIGENCE OF ROCCO SPIZZIRRI WE FIND THAT THE TOTAL AMOUNT OF DAMAGES SUFFERED BY ROCCO SPIZZIRRI AS A PROXIMATE RESULT OF THE OCCURRENCE IN QUESTION IS \$ _____, ITEMIZED AS FOLLOWS:

- (1) THE DISFIGUREMENT RESULTING FROM THE INJURY:
\$ _____;
- (2) THE DISABILITY EXPERIENCED AND REASONABLY CERTAIN TO BE EXPERIENCED IN THE FUTURE:
\$ _____;
- (3) THE PAIN AND SUFFERING EXPERIENCED AND REASONABLY CERTAIN TO BE EXPERIENCED IN THE FUTURE:

\$ _____;

(4) THE REASONABLE EXPENSE OF NECESSARY MEDICAL CARE, TREATMENT, AND SERVICES RECEIVED, AND THE PRESENT CASH VALUE OF THE REASONABLE EXPENSES OF MEDICAL CARE, TREATMENT AND SERVICES REASONABLY CERTAIN TO BE RECEIVED IN THE FUTURE: \$ _____;

(5) THE VALUE OF EARNINGS LOST: \$ _____;

SECOND: ASSUMING THAT 100% REPRESENTS THE TOTAL COMBINED NEGLIGENCE OF ALL PERSONS WHOSE NEGLIGENCE PROXIMATELY CONTRIBUTED TO THE PLAINTIFF'S INJURIES AND DAMAGES, INCLUDING ROCCO SPIZZIRRI AND LLOYD RISTICH, DOING BUSINESS AS TCB PAVING, WE FIND THAT THE PERCENTAGE OF SUCH NEGLIGENCE ATTRIBUTABLE SOLELY TO ROCCO SPIZZIRRI IS _____ PERCENT.

THIRD: AFTER REDUCING THE TOTAL DAMAGES SUSTAINED BY ROCCO SPIZZIRRI BY THE PERCENTAGE OF NEGLIGENCE ATTRIBUTABLE SOLELY TO ROCCO SPIZZIRRI, WE ASSESS ROCCO SPIZZIRRI'S RECOVERABLE DAMAGES IN THE SUM OF \$ _____."

DATE

FOREPERSON

IF YOU FIND FOR LLOYD RISTICH, DOING BUSINESS AS TCB PAVING, AND AGAINST ROCCO SPIZZIRRI, OR IF YOU FIND THAT THE PLAINTIFF'S CONTRIBUTORY NEGLIGENCE WAS MORE THAN 50% OF THE TOTAL PROXIMATE CAUSE OF THE INJURY OR DAMAGE FOR WHICH RECOVERY IS SOUGHT, THEN YOU SHOULD USE VERDICT

FORM C, WHICH READS AS FOLLOWS:

“WE, THE JURY, FIND FOR THE DEFENDANT, LLOYD RISTICH, DOING BUSINESS AS TCB PAVING, AND AGAINST THE PLAINTIFF, ROCCO SPIZZIRRI.”

DATE

FOREPERSON

VERDICT FORMS – JURY’S RESPONSIBILITY

IT IS PROPER TO ADD THE CAUTION THAT NOTHING SAID IN THESE INSTRUCTIONS AND NOTHING IN ANY FORM OF VERDICT PREPARED FOR YOUR CONVENIENCE IS MEANT TO SUGGEST OR CONVEY IN ANY WAY OR MANNER ANY INTIMATION AS TO WHAT VERDICT I THINK YOU SHOULD FIND. WHAT THE VERDICT SHALL BE IS YOUR SOLE AND EXCLUSIVE DUTY AND RESPONSIBILITY.

COMMUNICATIONS BETWEEN COURT AND JURY DURING DELIBERATIONS

IF IT BECOMES NECESSARY DURING YOUR DELIBERATIONS TO COMMUNICATE WITH THE COURT, YOU MAY SEND A NOTE BY A BAILIFF, SIGNED BY YOUR FOREPERSON OR BY ONE OR MORE MEMBERS OF THE JURY. NO MEMBER OF THE JURY SHOULD EVER ATTEMPT TO COMMUNICATE WITH THE COURT BY ANY MEANS OTHER THAN A SIGNED WRITING, AND THE COURT WILL NEVER COMMUNICATE WITH ANY MEMBER OF THE JURY ON ANY SUBJECT TOUCHING THE MERITS OF THE CASE OTHERWISE THAN IN WRITING, OR ORALLY HERE IN OPEN COURT.

YOU WILL NOTE FROM THE OATH ABOUT TO BE TAKEN BY THE

BAILIFF THAT [S]HE TOO, AS WELL AS ALL OTHER PERSONS, ARE FORBIDDEN TO COMMUNICATE IN ANY WAY OR MANNER WITH ANY MEMBER OF THE JURY ON ANY SUBJECT TOUCHING THE MERITS OF THE CASE.

BEAR IN MIND THAT YOU ARE NEVER TO REVEAL TO ANY PERSON - NOT EVEN TO THE COURT - HOW THE JURY STANDS, NUMERICALLY OR OTHERWISE, ON THE QUESTIONS BEFORE YOU, UNTIL AFTER YOU HAVE REACHED A UNANIMOUS VERDICT.

VERDICT FORM A

WE, THE JURY, FIND FOR ROCCO SPIZZIRRI AND AGAINST LLOYD RISTICH, DOING BUSINESS AS TCB PAVING. WE ASSESS THE DAMAGES IN THE SUM OF \$ _____, ITEMIZED AS FOLLOWS:

- (1) THE DISFIGUREMENT RESULTING FROM THE INJURY:
\$ _____;
- (2) THE DISABILITY EXPERIENCED AND REASONABLY CERTAIN TO BE EXPERIENCED IN THE FUTURE:
\$ _____;
- (3) THE PAIN AND SUFFERING EXPERIENCED AND REASONABLY CERTAIN TO BE EXPERIENCED IN THE FUTURE:
\$ _____;
- (4) THE REASONABLE EXPENSE OF NECESSARY MEDICAL CARE, TREATMENT, AND SERVICES RECEIVED, AND THE PRESENT CASH VALUE OF THE REASONABLE EXPENSES OF MEDICAL CARE, TREATMENT AND SERVICES REASONABLY CERTAIN TO BE RECEIVED IN THE FUTURE: \$ _____;
- (5) THE VALUE OF EARNINGS LOST: \$ _____;

DATE

FOREPERSON

VERDICT FORM B

WE THE JURY, FIND FOR ROCCO SPIZZIRRI, AND AGAINST LLOYD RISTICH, DOING BUSINESS AS TCB PAVING, AND FURTHER FIND THE FOLLOWING:

FIRST: WITHOUT TAKING INTO CONSIDERATION THE QUESTION OF REDUCTION OF DAMAGES DUE TO THE NEGLIGENCE OF ROCCO SPIZZIRRI, WE FIND THAT THE TOTAL AMOUNT OF DAMAGES SUFFERED BY ROCCO SPIZZIRRI AS A PROXIMATE RESULT OF THE OCCURRENCE IN QUESTION IS \$ _____, ITEMIZED AS FOLLOWS:

- (1) THE DISFIGUREMENT RESULTING FROM THE INJURY:
\$ _____;
- (2) THE DISABILITY EXPERIENCED AND REASONABLY CERTAIN TO BE EXPERIENCED IN THE FUTURE:
\$ _____;
- (3) THE PAIN AND SUFFERING EXPERIENCED AND REASONABLY CERTAIN TO BE EXPERIENCED IN THE FUTURE:
\$ _____;
- (4) THE REASONABLE EXPENSE OF NECESSARY MEDICAL CARE, TREATMENT, AND SERVICES RECEIVED, AND THE PRESENT CASH VALUE OF THE REASONABLE EXPENSES OF MEDICAL CARE, TREATMENT AND SERVICES REASONABLY CERTAIN TO BE RECEIVED IN THE FUTURE: \$ _____;
- (5) THE VALUE OF EARNINGS LOST: \$ _____;

SECOND: ASSUMING THAT 100% REPRESENTS THE TOTAL COMBINED NEGLIGENCE OF ALL PERSONS WHOSE NEGLIGENCE PROXIMATELY CONTRIBUTED TO THE PLAINTIFF'S INJURIES AND DAMAGES, INCLUDING ROCCO SPIZZIRRI AND LLOYD RISTICH, DOING BUSINESS AS TCB PAVING, WE FIND THAT THE PERCENTAGE OF SUCH NEGLIGENCE ATTRIBUTABLE SOLELY TO ROCCO SPIZZIRRI IS _____ PERCENT.

THIRD: AFTER REDUCING THE TOTAL DAMAGES SUSTAINED BY ROCCO SPIZZIRRI BY THE PERCENTAGE OF NEGLIGENCE ATTRIBUTABLE SOLELY TO ROCCO SPIZZIRRI, WE ASSESS ROCCO SPIZZIRRI'S RECOVERABLE DAMAGES IN THE SUM OF \$ _____.

DATE

FOREPERSON

VERDICT FORM C

WE, THE JURY, FIND FOR THE DEFENDANT, LLOYD RISTICH, DOING BUSINESS AS TCB PAVING, AND AGAINST THE PLAINTIFF, ROCCO SPIZZIRRI.

DATE

FOREPERSON

