

1 **13-302E. Statement of other contentions and denials, causation, and burden of proof.**

2 Related to the above, _____ say(s) and [has] [have] the burden of proving
3 that: _____.

4 *(NOTE: List by number each claimed act [and] [or] omission, condition, etc., referenced to*
5 *specific defendant(s) which is supported by substantial evidence on all other incidental issues such*
6 *as agency, punitive damages, e.g.,*

7 1. [~~Defendant(s)~~] Defendant(s)' misconduct shows an utter indifference to, or
8 conscious disregard for, the safety of others; and punitive damages should be awarded.

9 2. Defendant _____ was acting within the scope of [~~his~~] Defendant's
10 employment with defendant _____).

11 [This] [These] contention(s) [is] [are] denied.

12 [Also, _____ say(s) and [has] [have] the burden of proving that:
13 _____ . [This] [These] [is] [are] denied.]

14 USE NOTES

15 The test for what is appropriate to state as ["other contentions"] is whether the
16 contention presents an issue which must be answered by the jury in the special verdict form.

17 [As amended, effective March 1, 2005; as amended by Supreme Court Order No. S-1-
18 RCR-2025-00126, effective for all cases pending or filed on or after December 31, 2025.]