

1 **13-302F. Special verdict form; examples.**

2 **EXAMPLE A**

3 **INSTRUCTION NO. _____**

4 In this case [~~the plaintiff~~] Plaintiff seeks compensation from [~~the defendants~~] Defendants
5 for damages which [~~plaintiff~~] Plaintiff says were caused by negligence.

6 To establish negligence on the part of a defendant, [~~the~~] a plaintiff has the burden of
7 proving at least one of the following contentions applicable to that defendant:

8 1. Defendant [~~Richard~~] Roe, a person in control of a motor vehicle, permitted
9 the vehicle to be driven or operated by [~~John~~] Defendant Doe when Roe knew or should have
10 known that Doe would be or was driving in violation of traffic ordinances.

11 2. Defendant [~~Jane~~] Smith authorized or permitted the motor vehicle owned
12 by [~~her~~] Smith to be driven by Doe when [~~she~~] Smith had reason to believe that Doe was under
13 the influence of intoxicating liquor or otherwise had an impaired [~~in his~~] ability, either mentally or
14 physically or both, to operate a motor vehicle.

15 3. Defendant Doe failed to stop and yield the right-of-way to [~~plaintiff's~~]
16 Plaintiff's vehicle.

17 4. Defendant Doe was driving under the influence of intoxicating liquor.

18 5. Defendant Doe was driving carelessly and heedlessly in willful or wanton
19 disregard of the rights or safety of others, and without due caution in a manner so as to endanger
20 or be likely to endanger others.

21 Plaintiff has the burden of proving that such negligence was a cause of the injuries and
22 damages.

1 ~~[The defendants]~~ Defendants deny what ~~[the plaintiff]~~ Plaintiff says and ~~[defendants]~~
2 Defendants say that the failure of ~~[defendant]~~ Defendant Doe to stop and yield the right-of-way to
3 ~~[plaintiff's]~~ Plaintiff's vehicle was excused or justified, and that ~~[plaintiff -himself- herself]~~
4 Plaintiff was negligent.

5 To establish excuse or justification, ~~[the defendants]~~ Defendants have the burden of
6 proving Doe violated the stop sign ordinance because the brakes on the vehicle ~~[he]~~ Doe was
7 driving unexpectedly and unforeseeably failed, and Doe did that which might reasonably be
8 expected of a person of ordinary prudence, acting under similar circumstances, who desired to
9 comply with the law. If proved, this constitutes excuse or justification for what ~~[plaintiff]~~ Plaintiff
10 says about Doe's failure to stop and yield the right-of-way to ~~[plaintiff's]~~ Plaintiff's vehicle.

11 To establish negligence of ~~[plaintiff]~~ Plaintiff, ~~[the defendants]~~ Defendants have the burden
12 of proving at least one of the following:

- 13 1. Plaintiff was driving at a speed in excess of the posted speed limit.
- 14 2. Plaintiff failed to keep a proper lookout.

15 ~~[The defendants]~~ Defendants have the burden of proving, that negligence of ~~[plaintiff]~~
16 Plaintiff was a cause of the injuries and damages.

17 ~~[The plaintiff]~~ Plaintiff denies what ~~[defendants]~~ Defendants say.

18 Related to the above, ~~[plaintiff]~~ Plaintiff says and has the burden of proving that:

- 19 1. Misconduct of each defendant was an act which shows an utter indifference
20 to, or conscious disregard for, the safety of others and, therefore, punitive damages should be
21 awarded.

1 amount of damages without any reduction for comparative negligence and without any inclusion
2 of punitive damages.)

3 **Question No. 4:** Compare the negligence of the following persons and find a percentage for each.
4 The total of the percentages must equal 100%, but the percentage for any one or more of the
5 persons named may be zero if you find that such person was not negligent or that any negligence
6 on the part of such person was not a cause of damage.

7 Defendant Roe _____ %

8 Defendant Smith _____ %

9 Defendant Doe _____ %

10 Plaintiff _____ %

11 _____ 100%

12 **Question No. 5:** Was [~~defendant~~] Defendant Doe acting as an agent of [~~defendant~~] Defendant Roe
13 within the scope of that agency at the time and place of the collision?

14 **Answer:** _____ (Yes or No)

15 **Question No. 6:** Was [~~defendant~~] Defendant Doe acting as an agent of [~~defendant~~] Defendant
16 Smith within the scope of that agency at the time and place of the collision?

17 **Answer:** _____ (Yes or No)

18 **Question No. 7:** Were the acts of [~~defendant~~] Defendant Roe either [malicious], [willful],
19 [wanton], [reckless], [fraudulent], [or] [in bad faith]?

20 **Answer:** _____ (Yes or No) (If "Yes," enter in answer to Question No. 10 the amount of
21 punitive damages, if any, to be awarded.)

22 **Question No. 8:** Were the acts of [~~defendant~~] Defendant Smith either [malicious], [willful],
23 [wanton], [reckless], [fraudulent], [or] [in bad faith]?

1 **Answer:** _____ (Yes or No) (If “Yes,” enter in answer to Question No. 10 the amount of
2 punitive damages, if any, to be awarded.)

3 **Question No. 9:** Were the acts of [~~defendant~~] Defendant Doe either [malicious], [willful],
4 [wanton], [reckless], [fraudulent], [or] [in bad faith]?

5 **Answer:** _____ (Yes or No) (If “Yes,” enter in answer to Question No. 10 the amount of
6 punitive damages, if any, to be awarded.)

7 If the answers to Questions Nos. 7, 8, and 9 are “No,” you are not to answer Question No.
8 10. Your foreperson must sign this special verdict and you will all return to open court. If the
9 answer to Question No. 7, 8, or 9 is “Yes,” you are to answer Question No. 10. Your foreperson
10 must sign this special verdict and you will all return to open court.

11 **Question No. 10:** In accordance with the exemplary or punitive damage instructions given by the
12 court, we find the total amount of punitive damages to be awarded against the defendants to be as
13 follows:

14 Defendant Roe _____%

15 Defendant Smith _____%

16 Defendant Doe _____%

17 The court will enter judgment for [~~plaintiff~~] Plaintiff against each defendant for punitive damages
18 in the amount found as to that defendant. For any defendant for which your answer to Question
19 No. 7, 8, or 9 is “No,” the amount of punitive damages must be “None.”

20 _____
21 Foreperson

22 **EXAMPLE B**

23 **INSTRUCTION NO.** _____

1 In this case the [~~plaintiffs~~] Plaintiffs seek compensation from the [~~defendants~~] Defendants
2 for damages that the Plaintiffs [~~plaintiffs~~] say were caused by negligence.

3 To establish negligence on the part of [~~defendant~~] Defendant X-Transportation Company,
4 the Plaintiffs [~~plaintiffs~~] have the burden of proving at least one of the following:

5 1. X-Transportation Company transported the mobile home on the highway at
6 an excessive rate of speed.

7 2. X-Transportation Company did not use warnings required by statute for
8 wide loads.

9 To establish negligence on the part of [~~defendant John~~] Defendant Doe, the Plaintiffs
10 [~~plaintiffs~~] have the burden of proving [~~the defendant John~~] Doe failed to use ordinary care while
11 driving when, and without warning, [~~he~~] Doe suddenly stopped [~~his vehicle~~] upon the highway.

12 The Plaintiffs [~~plaintiffs~~] have the burden of proving that the negligence of a defendant
13 was a cause of the injuries and damages.

14 The Defendants [~~defendants~~] deny what the Plaintiffs [~~plaintiffs~~] say about negligence and
15 the Defendants [~~defendants~~] say that the Decedent [~~decedent~~] was negligent.

16 To establish negligence of the decedent, the Defendants [~~defendants~~] have the burden of
17 proving at least one of the following:

18 1. The Decedent [~~decedent~~] failed to keep a proper lookout.

19 2. The Decedent [~~decedent~~] was driving at an excessive rate of speed.

20 3. The Decedent [~~decedent~~] did not have [~~his~~] the vehicle under control to
21 avoid collision. The Defendants [~~defendants~~] have the burden of proving that negligence of the
22 decedent was a cause of the injuries and damages.

23 The Plaintiffs [~~plaintiffs~~] deny what the Defendants [~~defendants~~] say.

1 Ajax has the burden of proving that such negligence of Public Utility Company was a cause
2 of the structural crack which appeared in the wall of G-H cell.

3 Public Utility Company denies what Ajax says about such negligence.

4 To establish breach of express warranty on the part of Ajax, Public Utility Company has
5 the burden of proving Ajax affirmed in writing that the absorber walls would be constructed
6 without defects in material and [~~workmanship~~] work quality and that the walls, as constructed,
7 contain substandard placement of concrete including voids, honeycombs, and sandpockets.

8 Public Utility Company has the burden of proving that a breach of express warranty was a
9 cause of the damages.

10 Ajax denies what Public Utility Company says about breach of express warranty and Ajax
11 says Public Utility Company failed to provide written notice of any breach of express warranty
12 within the time period specified in the contract.

13 Public Utility Company denies what Ajax says about failure to provide written notice of
14 breach of express warranty.

15 [As amended, effective January 1, 1987; November 1, 1991; March 1, 2005, as amended by
16 Supreme Court Order No. 13-8300-021, effective for all cases pending or filed on or after
17 December 31, 2013; as amended by Supreme Court Order No. S-1-RCR-2025-00126, effective
18 for all cases pending or filed on or after December 31, 2025.]