

**13-916. Amount of damages; injury; not death.**

If you should decide for the plaintiff on the question of liability, you should first determine the amount of the plaintiff's damages [without reference to plaintiff's contributory negligence]. You must fix the amount of money which will reasonably and fairly compensate [him] [her] for any of the following elements of damages proved by the plaintiff to have resulted from the negligence of the defendant railroad:

(NOTE: Here insert the proper elements of damage such as, UJI 13-1803 through 13-1809, and UJI 13-1822 through 13-1824.)

Whether any of these elements of damages have been proved by the evidence is for you to determine. Your verdict must be based upon proof and not upon speculation, guess or conjecture.

Further, sympathy or prejudice, for or against a party should not affect your verdict and is not a proper basis for determining damages.

USE NOTES

Bracketed material to be used only where contributory negligence is an issue.  
[As amended, effective November 1, 1991.]