

13-2223. Wrongful death damages and loss of consortium damages; sample special verdict form.

On the questions submitted, the jury finds as follows:

Question No. 1: Did the Defendant act negligently toward John Doe?

Answer: _____ (Yes or No)

If the answer to Question No. 1 is "No," you are not to answer further questions. Your foreperson must sign this special verdict form, which will be your verdict for the Defendant and against the Plaintiffs, and the jury should return to open court.

If the answer to Question No. 1 is "Yes," you are to answer Question No. 2.

Question No. 2: Did any negligence on the part of the Defendant cause or contribute to cause John Doe's death?

Answer: _____ (Yes or No)

If the answer to Question No. 2 is "No," you are not to answer further questions. Your foreperson must sign this special verdict form, which will be your verdict for the Defendant and against the Plaintiffs, and the jury should return to open court.

If the answer to Question No. 2 is "Yes," you are to answer Question No. 3.

Question No. 3: In accordance with the damages instruction given by the court, we find the total amount of compensatory damages suffered by the Estate of John Doe to be as follows:

<u>Type of Damages:</u>	<u>Amount of Damages</u>
Medical Expenses	\$ _____
Funeral expenses	\$ _____
Lost earnings	\$ _____
Lost value of life	\$ _____
Loss of household services	\$ _____
Pain and suffering	\$ _____
Total compensatory damages for the Estate of John Doe	\$ _____

Question No. 4: Compare the negligence of the following parties and find a percentage of fault for each. The total of the percentages must equal 100%, but the percentage for any one or more of the persons named may be zero if you find that any party was not negligent or was not a cause of John Doe's death.

The Defendant	_____ %
John Doe	_____ %

Total 100%

Question No. 5: Did John Doe and Plaintiff Jane Doe have a mutually dependent relationship that was damaged by the death of John Doe?

Answer: _____ (Yes or No)

If the answer to Question No. 5 is "No," go on to question 7.

If the answer to Question No. 5 is "Yes," answer Question 6.

Question No. 6: In accordance with the loss of consortium instructions given by the court, we find the total amount of loss of consortium damages to Plaintiff Jane Doe to be as follows:

Loss of consortium damages for _____ \$ _____
John Doe's wife, Plaintiff Jane Doe

Question No. 7: Did John Doe and Plaintiff Junior Doe have a mutually dependent relationship that was damaged by the death of John Doe?

Answer: _____ (Yes or No)

If the answer to Question No. 7 is "No," you are not to answer further questions. Your foreperson must sign this special verdict form and the jury should return to open court.

If the answer to Question No. 7 is "Yes," answer Question 8.

Question No. 8: In accordance with the loss of consortium instructions given by the court, we find the total amount of loss of consortium damages to Plaintiff Junior Doe to be as follows:

Loss of consortium damages for _____ \$ _____
John Doe's daughter, Plaintiff
Junior Doe

Foreperson

USE NOTES

This sample special verdict form is an example of a form that could be used in cases involving a wrongful death claim and a loss of consortium claim. The sample special verdict form also could be used in cases involving non-deadly injuries by incorporating the following suggested modifications: (1) replacing the word "death" with "injury" in questions 2, 4, 5, and 7; and (2) altering question 3 to remove references to

an estate and to remove any forms of damages which do not apply in that case (e.g., funeral expenses).

[Adopted by Supreme Court Order No. 19-8300-014, effective for all cases pending or filed on or after December 31, 2019.]