

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

CIVIL ACTION NO. 3:01CV-38-H

MELODY GOODLETT CAMPBELL

PLAINTIFF

v.

CHRISTINA A. FISHER

DEFENDANT

JURY INSTRUCTIONS

Members of the Jury, now that you have heard all of the evidence and the arguments of the attorneys, it is my duty to give you instructions on the law you are to apply to this case.

It is your duty as jurors to follow the law as stated in these instructions, and to apply that law to the facts you find from the evidence. Do not single out one instruction alone as stating the law, but rather consider the instructions as a whole. Nor should you be concerned with the wisdom of any rule of law stated by the Court. You must apply the law given in these instructions whether you agree with it or not.

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 and the exhibits admitted in the record. It is your own interpretation and recollection of the evidence that controls. The statements, objections, and arguments made by the lawyers are not evidence. What the lawyers have said to you is not binding upon you. You are permitted to draw reasonable inferences, deductions, and conclusions

from the testimony and exhibits which you feel are justified in the light of your own common sense.

In saying that you must consider all the evidence, I do not mean to suggest that you must necessarily accept all of the evidence as true or accurate. You are the sole judges of the credibility or believability of each witness and the weight to be given to the testimony of each witness. In determining the credibility of any witness, you may properly consider the demeanor of the witness while testifying, frankness or lack of it, and his or her interest in the outcome of the case, if any.

The rules of evidence permit a witness who by education and experience has become expert in any art, science, or profession to state an opinion and the reasons for such an opinion. You should consider this evidence and give it such weight as you, in the application of your common sense, may think it deserves. If you conclude that the reasons given by the expert witness in support of an opinion are not sound, or that the opinion is outweighed by other credible evidence in the case, or by the opinion of some other expert, then you may reject the opinion of such expert in whole or in part.

The weight of the evidence is not necessarily determined by the number of witnesses testifying as to the existence or nonexistence of any fact. You should be guided in your deliberations by the quality and credibility of the evidence you have heard.

In this case it is the plaintiff's responsibility to persuade you that her claim is more likely true than not. If the plaintiff fails to persuade you on every essential element of her claim, then you should find for the defendant on that claim.

I.

Melody Goodlett Campbell claims that Christina Fisher was negligent in her duty to operate her motor vehicle with reasonable care. Reasonable care means such care as you, the jury, would expect an ordinarily prudent person to exercise under the same or similar circumstances. The Court has determined that Christina Fisher failed to exercise reasonable care in the operation of her motor vehicle. Therefore, the only issue for you to determine is what injuries Ms. Campbell suffered as a direct result of the accident.

You may award monetary damages to fairly and reasonably compensate Ms. Campbell for any injury or injuries she suffered as a direct result of the automobile collision. If proved, the plaintiff may recover the following:

- (1) Medical expenses that the plaintiff has paid;
- (2) Medical expenses that the plaintiff has incurred;
- (3) Loss of income thus far;
- (4) Impairment of future earning capacity; and
- (5) Pain and suffering, past, present and future.

In determining the amount of damages to award, you should be guided by logic and common sense, drawing reasonable inferences from the evidence. You may not award damages based on mere guesswork; however, the law does not require a plaintiff to prove damages with mathematical precision.

Please indicate the amount of damages, if any, on the Verdict Form.

Your 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 reach an agreement, if you can do so without detriment 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 reexamine your own views and change your opinion, if you are convinced it is erroneous; but do not surrender your honest conviction as to the weight or effect of the evidence, solely because of the opinion of your fellow jurors, or for the mere purpose of returning a verdict.

Upon retiring to the jury room, you will select one of your number to act as your foreperson. The foreperson will preside over your deliberations and will be your spokesperson here in Court. A verdict form has been prepared for your convenience. You will take this form to the jury room and, when you have reached unanimous agreement as to your verdict, you will have your foreperson fill in, date and sign the verdict upon which you unanimously agree with respect to each issue in this case. You will then return with your verdict to the courtroom.

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VERDICT FORM

We, the Jury, make the following findings of damages:

(1) Past medical expenses (not to exceed \$15,267.50)	\$ _____
(2) Future medical expenses (not to exceed \$395,010.00)	\$ _____
(3) Loss of income (not to exceed \$29,880.00)	\$ _____
(4) Impairment of earning capacity (not to exceed \$563,078.00)	\$ _____
(5) Pain and suffering (not to exceed \$400,000.00)	\$ _____
TOTAL	\$ _____

FOREPERSON

DATE: _____