

IN THE CIRCUIT COURT OF FORREST COUNTY, MISSISSIPPI

CHRISTOPHER RANDOLPH

FILED

PLAINTIFF

VERSUS

JUL 19 2023

CIVIL ACTION NO. 20-118

THE CITY OF HATTIESBURG;  
TOBY BARKER, MAYOR OF THE  
CITY OF HATTIESBURG, WARREN  
PAVING, INC.; AND JOHN DOES 1-10

FORREST COUNTY CIRCUIT CLERK

DEFENDANTS

JURY INSTRUCTION NO. \_\_\_\_\_

The Court instructs the Jury that it is not necessary that all twelve of you agree upon a verdict in this case. When any nine (9) or more of you agree upon a verdict, it may be returned to the Court as the verdict of the entire Jury. When returning your verdict into Court, please use the following form:

**Question No. 1:** Has the Plaintiff proven by a preponderance of the evidence that the shoulder condition depicted in the photographs taken on May 18, 2019 either (1) existed at the time Warren Paving, Inc. performed the asphalt overlay work on Richburg Road or (2) was created by the asphalt overlay work?

Write YES or NO in the following blank: NO.

If your answer to Question No. 1 is "NO", then your form of the verdict should be: "We, the jury, find for the Defendant, Warren Paving, Inc.". The form should be written on a separate sheet of paper provided to you by the Court. However, if your answer to Question No. 1 is "YES", then proceed to answer Question No. 2.

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**Question No. 2:** Was Warren Paving, Inc. negligent in the manner in which it performed the asphalt overlay on Richburg Road?

Write YES or NO in the following blank: \_\_\_\_\_.

If your answer to Question No. 2 is “NO”, then your form of the verdict should be: “We, the jury, find for the Defendant, Warren Paving, Inc.”. The form should be written on a separate sheet of paper provided to you by the Court. However, if your answer to Question No. 2 is “YES”, then proceed to answer Question No. 3.

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**Question No. 3:** Did the negligence of Warren Paving, Inc. proximately cause Christopher Randolph’s accident and subsequent injuries?

Write YES or NO in the following blank: \_\_\_\_\_.

If your answer to Question No. 3 is “NO”, then your form of the verdict should be: “We, the jury, find for the Defendant, Warren Paving, Inc.”. The form should be written on a separate sheet of paper provided to you by the Court. However, if your answer to Question No. 3 is “YES”, then proceed to answer Question No. 4.

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**Question No. 4:** What amount do you find from the preponderance of the evidence in this case are the actual damages of the Plaintiff?

Economic Damages \$ \_\_\_\_\_  
[past and future medical expenses]

Non-Economic Damages \$ \_\_\_\_\_  
[past, present, and future mental  
anguish; loss of enjoyment of life;  
permanent scarring, disfigurement,  
physical impairment, and  
disability]

TOTAL \$ \_\_\_\_\_

If you answered Question No. 4, then you should proceed to answer Question No. 5.

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**Question No. 5:** You may attribute fault for the accident and damages sustained by Christopher Randolph to one or all of the following:

City of Hattiesburg, Mississippi: \_\_\_\_\_%

Warren Paving, Inc.: \_\_\_\_\_%

Christopher Randolph: \_\_\_\_\_%

TOTAL, which must  
mathematically equal: 100 %

Upon completion of this form, please date and sign  
and then notify the bailiff that your deliberations have concluded.

This the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
FOREPERSON

We, the jury, find for the Defendant,  
Warren Paving, Inc.

FILED

JUL 19 2023

*J. [Signature]*  
FORREST COUNTY CIRCUIT CLERK