

NO. 11CI1107

JEFFERSON CIRCUIT COURT
DIVISION TEN (10)
ANGELA MCCORMICK BISIG, JUDGE

BERNARDA RONDA, ET AL.

PLAINTIFFS

VS.

JURY INSTRUCTIONS

JAMES A. WATERFILL, ET AL.

DEFENDANTS

* * * * *

INSTRUCTION NO. 1

Nine or more jurors must agree to make any of the determinations required under these instructions. The nine or more of you who agree on one instruction need not be the same nine or more who agree on another Instruction.

If all twelve of you agree on any Verdict, it need only be signed by the Foreperson whom you shall select among yourselves. Otherwise, the Verdict shall be signed by the nine or more jurors who agree to it.

Proceed to Instruction No. 2.

INSTRUCTION NO. 2

The Court instructs the jury that the defendants James Waterfill and Bagshaw Trucking were negligent as a matter of law and that their negligence was a substantial factor in causing the collision between the vehicle in which plaintiffs Bernarda Ronda and Ruth Ronda were riding and the vehicle of defendant Bagshaw Trucking which defendant James Waterfill was driving, and you shall so find.

Proceed to Instruction No. 3.

INSTRUCTION NO. 3

You will now determine from the evidence as stated below what sum or sums of money will fairly and reasonably compensate plaintiff Bernarda Ronda for such of the following as you believe from the evidence that she has sustained directly by reason of the accident and/or aggravation of any pre-existing injury or condition by reason of the accident.

The Court instructs the jury that if you believe from the evidence that all, or any part, of the damages of which Plaintiff complains were not caused by the accident of September 11, 2007, but were caused at some other time, or occurred from some other cause, or that Plaintiff would reasonably have incurred these damages regardless of the September 11, 2007 accident, then you will not find for Plaintiff on account of any of the injuries which you may believe from the evidence were caused at some other time or occurred from some other cause, or which would reasonably have occurred regardless of the accident, but will only find such damages as you may believe Plaintiff sustained on account of the injuries she suffered in the September 11, 2007 accident.

- a. Mental and physical pain and suffering she has endured (not to exceed \$108,400.00).
\$ 67,500

- b. Mental and physical pain which it is probable she will endure in the future (not to exceed \$160,600.00).
\$ 0

- c. Medical expenses she has incurred for reasonably needed medical care and treatment (not to exceed \$22,563.27).

d.	Medical expenses it is reasonably probable she will incur in the future for reasonably needed medical care and treatment (not to exceed \$ <u>5,157.90</u>).	\$ <u>10,261.14</u>
e.	Loss of wages and income she has sustained directly as a result of her injuries (not to exceed \$ <u>15,906.60</u>).	\$ <u>0</u>
f.	Permanent impairment of her power to earn money (not to exceed \$ <u>35,174.40</u>).	\$ <u>5,000</u>
TOTAL		\$ <u>82,761.14</u>
Total Damages not to exceed		\$ <u>347,802.17</u>

Enter the damages you have found in the blank spaces provided in VERDICT FORM A.

INSTRUCTION NO. 4

You will now determine from the evidence as stated below what sum or sums of money will fairly and reasonably compensate plaintiff Ruth Ronda for such of the following as you believe from the evidence that she has sustained directly by reason of the accident and/or aggravation of any pre-existing injury or condition by reason of the accident.

The Court instructs the jury that if you believe from the evidence that all, or any part, of the damages of which Plaintiff complains were not caused by the accident of September 11, 2007, but were caused at some other time, or occurred from some other cause, or that Plaintiff would reasonably have incurred these damages regardless of the September 11, 2007 accident, then you will not find for Plaintiff on account of any of the injuries which you may believe from the evidence were caused at some other time or occurred from some other cause, or which would reasonably have occurred regardless of the accident, but will only find such damages as you may believe Plaintiff sustained on account of the injuries she suffered in the September 11, 2007 accident.

- a. Mental and physical pain and suffering she has endured (not to exceed \$116,800.00).

\$ 60,000

- b. Mental and physical pain which it is probable she will endure in the future (not to exceed \$452,600.00).

\$ 0

- c. Medical expenses she has incurred for reasonably needed medical care

and treatment (not to exceed \$32,794.60).

\$ 12,053.⁶⁵

- d. Medical expenses it is reasonably probable she will incur in the future for reasonably needed medical care and treatment (not to exceed \$12,987.76).

\$ 0

TOTAL

\$ 72,053.⁶⁵

Total Damages not to exceed

\$615,182.36

Enter the damages you have found in the blank spaces provided in VERDICT FORM B.



ANGELA MCCORMICK-BISIG, JUDGE

DATE

5/2/10

VERDICT FORM "A"

We, the jury, award the Plaintiff, Bernarda Ronda

\$ 82,761.¹⁴ (Total number from Instruction No.

3.)

Lisa Garret
FOREPERSON (If unanimous)

- | | |
|----------|-----------|
| 1. _____ | 7. _____ |
| 2. _____ | 8. _____ |
| 3. _____ | 9. _____ |
| 4. _____ | 10. _____ |
| 5. _____ | 11. _____ |
| 6. _____ | 12. _____ |

After completing this Verdict Form, turn to Verdict Form "B" and record your verdict for Ruth Ronda.

VERDICT FORM "B"

We, the jury, award the Plaintiff, Ruth Ronda

\$ 72,053.65 . (Total number from Instruction No.

4.)

FOREPERSON (If unanimous)

- | | |
|--------------------------|-------------------------|
| 1. <u>Curtis</u> | 7. <u>Marybeth Wood</u> |
| 2. <u>Marjorie</u> | 8. <u>Marybeth Wood</u> |
| 3. <u>Linda Gann</u> | 9. <u>Laura Glass</u> |
| 4. <u>Sandra (Peleh)</u> | 10. <u>Kim A</u> |
| 5. <u>Jerry Taylor</u> | 11. _____ |
| 6. <u>Patsy Kramer</u> | 12. _____ |

Your deliberations are over. Please notify the Sheriff.