

COMMONWEALTH OF
KENTUCKY
FAYETTE CIRCUIT COURT
9TH DIVISION
CASE NO. 22-CI-2252

SETH SIPE

PLAINTIFF

JURY INSTRUCTIONS

VS.

SKYISTHELIMIT, INC.

DEFENDANT

* * * * *

GENERAL INSTRUCTIONS

- (1) Immediately upon retiring to the jury room, you shall elect one of your members as foreperson.
- (2) Nine or more of you must agree in order to make any of the determinations required by these Instructions. The nine or more who agree on one determination, however, need not be the same jurors who agree on another.
- (3) If all twelve of you agree on the answers to all of the determinations to which you are required to respond, the Foreperson alone can sign for you.
- (4) Each determination that is not unanimous must be signed by the nine or more of you who agree.

Please proceed to the next page.

INSTRUCTION NO. 1 - DEFINITIONS

Ordinary Care for a Business

“Ordinary care” as applied to a business means such care as the jury would expect an ordinarily prudent company engaged in the same type of business to exercise under similar circumstances.

Ordinary Care for a Person

“Ordinary care” means such care as the jury would expect an ordinarily prudent person to exercise under similar circumstances.

Please proceed to the next page.

INSTRUCTION NO. 2

1) It was the duty of the Defendant, Skyisthelimit, Inc., and its employees to exercise ordinary care to maintain its trampoline park in a reasonably safe condition for the use of patrons, including the Plaintiff, Seth Sipe. You will find for the Plaintiff, Seth Sipe, if you are satisfied from the evidence that:

- (a) On March 11, 2022 the Plaintiff, Seth Sipe, was injured when he fell as a result of slipping on a substance on the floor of the Defendant's, Skyisthelimit, Inc.'s, premises;

AND

- (b) By reason of the presence of the substance on the floor, the premises of the Defendant, Skyisthelimit, Inc., was not in a reasonably safe condition for the use of visitors to its facility, including the Plaintiff, Seth Sipe.

AND

- (c) The presence of the substance on the floor of the Defendant's, Skyisthelimit, Inc.'s, premises was a substantial factor in causing the Plaintiff's, Seth Sipe's, fall and injury.

2) Even though you would otherwise find for the Plaintiff, Seth Sipe, under the instruction above, you will, nevertheless, find for the Defendant, Skyisthelimit, Inc., if you are further satisfied from the evidence that:

- (a) The substance which caused the Plaintiff, Seth Sipe, to slip and fall was not placed or caused to be on the floor of the Defendant's, Skyisthelimit Inc.'s,

Please proceed to the next page.

premises by any act or omission of the Defendant, Skyisthelimit, Inc., or its employees;

AND

(b) The substance had not been on the floor for a sufficient length of time before the Plaintiff, Seth Sipe, fell so that in the exercise of ordinary care, the Defendant, Skyisthelimit, Inc., or its employees should have discovered it and caused it to be removed or provided adequate warning of its presence.

PLEASE CHECK ONE:

_____ We, the Jury, find under this instruction for Plaintiff, Seth Sipe.

OR

_____ We, the Jury, find under this instruction for Defendant, Skyisthelimit, Inc.

FOREPERSON (If unanimous)

OR (if not unanimous):

1. _____

7. _____

2. _____

8. _____

3. _____

9. _____

4. _____

10. _____

5. _____

11. _____

6. _____

**If you have found in favor of the Plaintiff, Seth Sipe, proceed to the next page.
If you have found in favor of the Defendant, Skyisthelimit, Inc., your deliberations are now complete. Please inform the bailiff.**

INSTRUCTION NO. 3

It was the duty of the Plaintiff, Seth Sipe, to exercise ordinary care for his own health and safety.

Are you satisfied from the evidence that the Plaintiff, Seth Sipe, violated his duty as set forth above, and that such violation was a substantial factor in causing his fall?

ANSWER: YES: _____

NO: _____

FOREPERSON (If unanimous)

OR (if not unanimous):

1. _____

7. _____

2. _____

8. _____

3. _____

9. _____

4. _____

10. _____

5. _____

11. _____

6. _____

**If you answered "YES," proceed to the next page.
If you answered "NO," proceed to Instruction No. 5.**

INSTRUCTION NO. 4

If you found in favor of the Plaintiff, Seth Sipe, under Instruction No. 2, and answered “YES” to Instruction No. 3 above, thus finding from the evidence that both the Plaintiff, Seth Sipe, and the Defendant, Skyisthelimit, Inc., violated one or more of their duties, and that such violations were a substantial factor in causing his fall, then you will also determine from the evidence and indicate in the following blank spaces what percentage of the total fault was attributable to each of the parties. In determining the percentage of fault, you will consider both the nature of the conduct of each party at fault and the extent of the causal relation between his conduct and the damages claimed.

Defendant, Skyisthelimit, Inc.:	_____ %
Plaintiff, Seth Sipe:	_____ %
TOTAL	_____ 100 _____ %

FOREPERSON (If unanimous)

OR (if not unanimous):

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

Proceed to the next page.

INSTRUCTION NO. 5

If you find for the Plaintiff, Seth Sipe, under Instruction No. 2 you will determine from the evidence and award a sum of money that will fairly and reasonably compensate him for whatever physical or mental suffering you believe from the evidence he has sustained or is reasonably certain to endure hereafter as a direct result of the fall.

- | | | |
|--------------|---|-----------------|
| A. | Reasonable and necessary past medical expenses incurred
(Not to exceed \$70, 871.77 and no less than \$70, 871.77) | \$ _____ |
| B. | Past pain and suffering
(Not to exceed \$700,000) | \$ _____ |
| C. | Future pain and suffering
(Not to exceed \$300,000) | \$ _____ |
| TOTAL | | \$ _____ |

- OR (if not unanimous):
- | | |
|----------------------------------|-----------|
| <u>FOREPERSON (If unanimous)</u> | |
| 1. _____ | 7. _____ |
| 2. _____ | 8. _____ |
| 3. _____ | 9. _____ |
| 4. _____ | 10. _____ |
| 5. _____ | 11. _____ |
| 6. _____ | |

**YOUR DELIBERATIONS ARE NOW COMPLETE
PLEASE INFORM THE BAILIFF.**