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NO. 18-CI-003622

JEFFERSON CIRCUIT COURT
DIVISION FIVE (5)
JUDGE TRACY DAVIS

MEDIA5022

JILIANNE WARNER

PLAINTIFF

v. *Electronically filed*
JURY INSTRUCTIONS

MIDNIGHT RECOVERY, INC., et al.

DEFENDANTS

**** **

INSTRUCTION NO. 1

Immediately upon retiring to the jury room, you shall select a Foreperson. Nine or more of you must agree in order to make any determinations required by these Instructions. The nine or more who agree on one Instruction need not be the same jurors who agree on another.

If all twelve jurors agree as to any determination required by these Instructions, the determination need only be signed by the Foreperson. Otherwise, it is to be signed by the nine or more who agree with the determination.

You may use the Verdict Forms provided at the end of these Instructions in writing your verdicts.

Proceed to Instruction Number 2.

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INSTRUCTION NO. 2

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These instructions contain the law applicable to this case. It is your duty to follow the law as stated in these instructions and apply it to the facts as you find them from the evidence presented. You are not to be concerned with the various rulings the Court has made during the course of this trial. The Court was applying the rules of law and you are to disregard any perception you may have that the Court was inclined to favor the claims of any party to this case.

It is your duty to determine the facts of this case and to determine those facts from the evidence presented at trial. The evidence consists of the sworn testimony of the witnesses, and the various exhibits which were admitted into evidence. Opening statements and closing arguments are not evidence and you shall not consider them as such. You are to consider the only the evidence and the reasonable inferences arising from such evidence. You are permitted to draw from facts which you believe from the evidence, such reasonable inferences that seem justified in the light of your experience but are not to indulge in guesswork or speculation.

It is the special duty of the jurors to scrutinize and weigh the testimony of the witnesses and to determine the effect of the evidence as a whole. You are the sole judges of the credibility of the several witnesses and the weight to be given to their testimony. You should take into consideration all facts and circumstances appearing during the trial which either tend to support or discredit the testimony of the witness, and then give the testimony of each witness such weight and credit as you believe it is fairly entitled to receive.

You must not be influenced in any degree by any personal feelings of sympathy for or prejudice against any parties, for they are entitled to your fair and impartial consideration.

Proceed to Instruction Number 3.

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INSTRUCTION NO. 3

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For the purposes of these instructions, the following definitions apply:

“Ordinary care,” as used in these instructions means such care as you would expect an ordinary, prudent person or business to exercise under the same or similar circumstances.

You are instructed that the Defendants, Christian Worley and Midnight Recovery, Inc., have stipulated, agreed, and admitted that:

1. The Plaintiff, Jilianne Warner's, injuries were caused by Christian Worley's failure to exercise ordinary care in driving the tow truck owned by Midnight Recovery, Inc., and;
2. At all times relevant, Christian Worley was acting within the scope and course of his employment with Midnight Recovery, Inc., and Midnight Recovery, Inc. is therefore liable for Christian Worley's actions.

Proceed to Instruction Number 4.

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INSTRUCTION NO. 4

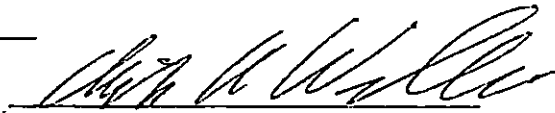
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The Court has concluded that, due to the inherently dangerous nature of the type of truck involved in this case, that GEICO is liable for the actions of Christian Worley and Midnight Recovery, Inc., if, and only if, you determine that Christian Worley and Midnight Recovery, Inc., were on a GEICO roadside assistance run at the time of the collision about which you have heard evidence.

Are you satisfied from the evidence that Christian Worley and Midnight Recovery, Inc., were on a GEICO roadside assistance run at the time of the collision about which you have heard evidence?

YES: _____

NO: _____



Foreperson (if unanimous)

Jurors agreeing (if nine or more):

JURY MEMBER

JURY MEMBER

JURY MEMBER

JURY MEMBER

JURY MEMBER

JURY MEMBER

JURY MEMBER

JURY MEMBER

JURY MEMBER

JURY MEMBER

JURY MEMBER

JURY MEMBER

Proceed to Instruction Number 5.

INSTRUCTION NO. 5

You shall determine from the evidence and award a sum or sums of money to the Plaintiff, Jilianne Warner, that will fairly and reasonably compensate her for the following damages you believe she sustained as a direct result of the accident about which you have heard evidence.

- (a) Past medical expenses (not to exceed \$3,177,826.74);
- (b) Future medical expenses (not to exceed \$15,497,054.40);
- (c) Past physical and mental pain and suffering (not to exceed \$30,000,000.00);
- (d) Future physical and mental pain and suffering (not to exceed \$111,000,000.00);
- (e) Permanent impairment of power to labor and earn money (not to exceed \$4,298,880.00).

You will record your determinations and award damages for the above categories on the following Verdict Form.

Proceed to Verdict Form.

VERDICT FORM

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We, the jury, find in favor of the Plaintiff, Jilianne Warner, and find the following sums of money will reasonably compensate her for damages sustained as a direct result of the accident which is the subject of this action:

- (a) Past medical expenses \$ 3,177,826.74
- (b) Future medical expenses \$ 15,497,054.40
- (c) Past physical and mental pain and suffering \$ 30,000,000.00
- (d) Future physical and mental pain and suffering \$ 111,000,000.00
- (e) Permanent impairment of power to labor and earn money \$ 4,298,880.00

Foreperson (if unanimous)

Jurors agreeing (if nine or more):

W. D. Miller
JURY MEMBER

Stephanie J
JURY MEMBER

Ch. T. S.
JURY MEMBER

Leslie Miller
JURY MEMBER

Mustafa Robay
JURY MEMBER

Zwisha Cuy
JURY MEMBER

Jessie B. Broom
JURY MEMBER

W. Albert
JURY MEMBER

Liz A. Nordstrom
JURY MEMBER

Dennis
JURY MEMBER

Angela Hamilton
JURY MEMBER

JURY MEMBER

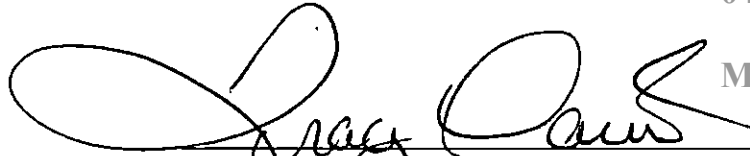
Please notify the Deputy that you have reached a verdict.

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TRACY E. DAVIS, JUDGE
JEFFERSON CIRCUIT COURT

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DATE

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