

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS

NORTHERN DISTRICT

SUPERIOR COURT

216-2014-CV-00787

CHRISTINA J. LYNCH

v.

STJA CORPORATION and MAD BOB'S SALOON, LLC

Lynch Request for Jury Instruction #1

Preamble to Instructions

Members of the jury, you have heard the evidence and the arguments of counsel; it is now my duty to instruct you on the principles of law which you are to apply in deciding this case.

I will be instructing you on a number of principles of law, and I ask that you pay careful attention to all of these instructions. It is your duty to follow these instructions during your deliberations. You should not single out any one instruction, but you should consider each instruction in light of, and together with, the others. You are to give them all the same weight and consideration.

If, in giving these instructions, I seem to emphasize one instruction over another, please disregard any such emphasis. It is necessary that I give you instructions as to all of the principles of law that may pertain to this case, including instructions on liability, and damages. By instructing you on these issues, I do not mean to suggest in whose favor this case should be decided. I maintain neutrality throughout these proceedings, and these are the principles of law that you must have in order to do your job.

Source

New Hampshire Civil Jury Instructions 1.0

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS

NORTHERN DISTRICT

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Lynch Request for Jury Instruction #2

General Statement of the Nature of the Case and Issues

This is a civil action in which the plaintiff, Christina Lynch, has sued the defendant, STJA Corporation, to recovery money damages for injuries sustained on June 22, 2013, at Mad Bob's Saloon, LLC, located at 342 Lincoln Street, Manchester, NH 03103.

Christina Lynch claims: While leaving this establishment Christina Lynch was caused to violently fall, shattering her right leg. Ms. Lynch was caused to fall when the heel of her shoe became stuck in improperly maintained exterior stairs which were missing grout. As a result of her injuries Ms. Lynch was forced to have surgeries inserting hardware in to her leg, and endure nearly intolerable pain.

STJA Corporation denies all of Christina Lynch's claims.

These are the issues which are to be determined by you based on the facts as you find them to be and by applying the law as the court instructs you.

Source

New Hampshire Civil Jury Instructions 1.1

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS

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CHRISTINA J. LYNCH

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Lynch Request for Jury Instruction #3

Role of the Court

The responsibility of the judge in any case is to conduct the trial in a fair, orderly, and efficient manner; to decide legal questions regarding the admissibility of evidence; and to instruct you as to the law that applies to the case.

You must apply the law as I give it to you – even if you think the law is otherwise than I have stated or should be otherwise that I have stated it. You are not here to change the law; again you are here to decide the facts. And just as you should consider all of the evidence in a case, you must consider all of the laws as I give them to you regardless of the order in which I give them. You must not single out any particular instruction or give it more or less emphasis than any other one.

Source

New Hampshire Civil Jury Instructions 2.1

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS

NORTHERN DISTRICT

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CHRISTINA J. LYNCH

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STJA CORPORATION and MAD BOB'S SALOON, LLC

Lynch Request for Jury Instruction #4

Role of the Jury

Members of the jury, you are the judges of the facts; it is up to you to decide the facts in this case, to act impartially to apply the law given to you by the court in these instructions to the facts as you find them to be, and reach your verdict.

You should decide the facts based on the evidence, that is, the testimony of the witnesses, the exhibits which will accompany you to the jury deliberation room, and what you observed during the course of the trial.

In deciding the facts, you should consider the evidence as well as the reasonable inferences you draw therefrom. You must not decide the facts on the basis of anything said by counsel not supported by the evidence or anything you may have read or heard about this case, or cases such as this, outside this courtroom or on the basis of any sympathy, prejudice, bias, or fear, or favor for, or against either party.

Source

New Hampshire Civil Jury Instructions 2.2

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS

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CHRISTINA J. LYNCH

v.

STJA CORPORATION and MAD BOB'S SALOON, LLC

Lynch Request for Jury Instruction #5

Impartiality of Judge

The court is neutral; it is impartial, it is nonpartisan, it does not take sides, just as you are required to do. If anything that I have said or done during the trial or in these instructions might have caused you to think that I favor any party, I now instruct you that I do not favor any party; is it *your* duty to decide the case without favor or prejudice, on the basis of the evidence and the law as I give it to you.

Source

New Hampshire Civil Jury Instructions 2.3

THE STATE OF NEW HAMPSHIRE

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Lynch Request for Jury Instruction #6

Equality of Parties – Individuals and Corporations

All parties (whether an individual, a corporation, or the government) are equal before the law.

Source

New Hampshire Civil Jury Instructions 2.4

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS

NORTHERN DISTRICT

SUPERIOR COURT

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CHRISTINA J. LYNCH

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Lynch Request for Jury Instruction #7

Evidence Defined

The evidence from which you are to decide what the facts are consists of:

1. Sworn in-court testimony of witnesses, both on direct and cross-examination, regardless of who called the witness;
2. Sworn out-of-court testimony of witnesses shown to you on videotape;
3. Answers to interrogatories;
4. Exhibits which have been admitted into evidence;
5. Facts judicially notice by me; and
6. Facts and testimony to which the parties have agreed or stipulated.

You will recall that I told you that:

A deposition is the testimony of a witness taken under oath before trial in a lawyer's office and should be considered by you just as testimony given in court.

Interrogatories are written questions submitted by one party to an opposing party which the opposing party answers in writing and under oath, and answers to interrogatories should be considered by you just as testimony given in court.

A stipulation is an agreement as to what a witness would testify to, or an agreed on statement of facts between the lawyers, which you must consider as having been proved.

The court may take judicial notice of facts which I regard as matters of common knowledge. You must accept facts judicially noticed as conclusively proved.

There are certain things you must not consider as evidence. The mere fact that the plaintiff brought a lawsuit or sustained damages is not in and of itself sufficient to render a verdict for the plaintiff. Bringing a lawsuit is the formal means of presenting the issues to you

for resolution. Likewise, the statements made by counsel are not evidence. The purpose of the opening statement is to present to you an outline by counsel of what counsel thinks the evidence will demonstrate. The purpose of the closing statement is to suggest ways you are urged to judge the case and evaluate the evidence.

Source

New Hampshire Civil Jury Instructions 3.1

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS

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Lynch Request for Jury Instruction #8

Jury to Consider All the Evidence

In reaching your verdict, it is your duty to consider all the evidence no matter who produced it and give that evidence whatever weight you find it is entitled to receive. You should evaluate all of the testimony of witnesses both on direct and cross-examination. You must not guess or speculate. You must judge the case on the basis of the evidence and the inferences you can reasonably draw from it. A reasonable inference is a deduction which common sense and reason lead you to draw from the evidence.

Source

New Hampshire Civil Jury Instructions 3.2

THE STATE OF NEW HAMPSHIRE

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Lynch Request for Jury Instruction #9

Jury's Recollection of Evidence Controls

If counsel or I have made any statements as to what the evidence has been and it differs from the evidence as you recall it, you should rely on your recollection because it is your recollection that is controlling.

Source

New Hampshire Civil Jury Instructions 3.3

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS

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Lynch Request for Jury Instruction #10

Law From the Court

If, during the course of their arguments, counsel mentioned some principle of law which is inconsistent with or differs from what I say the law is, you must disregard what counsel says about the law. The law given to you in these instructions is what you must consider in reaching your verdict.

Source

New Hampshire Civil Jury Instructions 3.4

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Lynch Request for Jury Instruction #11

Objections to Evidence

There are rules of evidence which control what can be received into evidence. Lawyers may object when they think that questions or exhibits may not be permitted by the rules. Do not hold it against counsel or the party they represent just because they seek a ruling on the issues by the judge by raising an objection or requesting a conference at the bench out of your hearing. And do not guess what the answer might have been had I sustained an objection; likewise do not put any emphasis on a piece of evidence merely because I overruled an objection to it.

Source

New Hampshire Civil Jury Instructions 3.6

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Lynch Request for Jury Instruction #12

Inadmissible and Stricken Evidence

During the trial, I ordered certain evidence stricken from the record and told you to disregard or ignore that evidence. This means that when you are deciding the case, you must not consider the evidence which I told you to disregard.

Source

New Hampshire Civil Jury Instructions 3.7

THE STATE OF NEW HAMPSHIRE

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Lynch Request for Jury Instruction #13

Credibility of Witnesses

You have heard a number of witnesses testify in this case. You must decide who, what, and how much of what they have said to believe.

In deciding whether to believe what a witness has said or how much weight to give a witness's testimony, you should consider those things you use in deciding important issues in your everyday lives, based on what people tell you, that is, anything that reasonably helps you to assess the reliability of the testimony, using your common sense. Among the things that you should consider are the following:

1. The witness' appearance, attitude, and behavior on the stand and the way the witness testified;
2. The witness' age, intelligence, and experience;
3. The witness' opportunity and ability to see or hear the things about which he/she testified;
4. The accuracy of the witness' memory;
5. Any motive of the witness not to tell the truth;
6. Any interest that a witness had in the outcome of the case;
7. Any bias of the witness, or friendship, or animosity the witness may have for or against any of the parties to the case;
8. The consistency or inconsistency of the witness' testimony;
9. Whether or not what the witness has said appears reasonable or unreasonable; and
10. Whether what the witness said is consistent or inconsistent with the testimony of other witnesses, or with statements he/she made in previous session.

If you believe that a witness testified falsely as to part of his/her testimony, you may choose to distrust other parts also, but you are not required to do so. You should bear in mind that inconsistencies and contradictions in a witness' testimony and that of others, do not necessarily mean that you should disbelieve the witness. Memory failures and mistaken memories are common and may explain some inconsistencies and contradictions. It is also common for two honest people to witness the same event and to see or hear things differently. It

may be helpful when you evaluate inconsistencies and contradictions to consider whether they relate to important or unimportant facts.

You may believe all, part, or none of the testimony of any witnesses. You need not believe any witness even though the testimony is uncontradicted. But you should act reasonably in deciding whether or not you believe a witness' testimony and how much weight to give to it.

You are not required to accept testimony as true simply because a number of witnesses agree with each other. You may decide that even the unanimous testimony of witnesses is erroneous. But you should act reasonably in deciding whether to reject uncontradicted testimony.

When witnesses are in conflict, you need not accept the testimony of a majority of witnesses. You may find the testimony of one witness or of a few witnesses more persuasive than the testimony of a larger number.

These principles apply to all witnesses, whether they are layperson, experts or otherwise.

In summary, it is your duty to evaluate the testimony of all witnesses, both on direct and cross-examination, and give it the weight you think it deserves. You can accept all of what a witness has said, you can reject all of it, or you can accept part and reject part. That determination is exclusively yours to make.

Source

New Hampshire Civil Jury Instructions 4.1

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Lynch Request for Jury Instruction #14

Expert Witnesses

George W. Melchior testified as an expert because of his special training, education, skills or knowledge.

When a case involved a matter requiring special knowledge or skill not ordinarily possessed by the average person, an expert is permitted to state his opinion for the information and assistance of the court and jury.

The opinion(s) stated by Mr. Melchior, who testified before you was based on particular facts as the expert himself observed or learned from others, or that counsel, who questioned him, asked him to assume.

You may reject an expert's opinion if you decide that the facts are different from the facts that formed the basis of his opinion, the expert's opinion is based upon misinformation, he lacks sufficient information to form a reliable opinion, or he lacks the qualifications to render a reliable opinion. You may also consider whether or not the expert took advantage of the opportunity to make a thorough investigation before rendering an opinion. You may also reject his opinion if, after careful consideration of all the evidence in the case, expert and other, you disagree with the opinion.

In other words, you are not required to accept an expert's opinion. An expert's opinion is subject to the same rules concerning reliability as the testimony of any other witness.

Expert testimony is given to you to assist you in reaching a proper conclusion. It may be considered by you, but is not controlling upon your judgment. You may believe all, part, or none of the testimony of an expert.

Source

New Hampshire Civil Jury Instructions 4.3

THE STATE OF NEW HAMPSHIRE

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Lynch Request for Jury Instruction #15

Direct and Circumstantial Evidence

There are two kinds of evidence: direct and circumstantial. Direct evidence is direct proof of a fact, such as testimony of an eyewitness. Circumstantial evidence is indirect evidence, that is, proof of a chain of facts from which you could determine that another fact exists, even though it has not been proved directly. It is evidence of a fact from which you can logically and rationally infer some other fact. By way of example, if you did not see it snow, but when you awoke, there was snow on the ground, there is sufficient circumstantial evidence, the snow on the ground, to prove it probable that it had, in fact, snowed. You are entitled to consider both kinds of evidence. The law permits you to give equal weight to both, but it is for you to decide how much weight to give to any evidence, whether it is direct or circumstantial.

Keep in mind that in order to permit you to make a finding based solely on circumstantial evidence, it must make the finding not merely possible, but probable.

You should consider all the evidence, both circumstantial and direct, and make your determination based upon your evaluation of it.

It is for you to decide whether a fact has been proved by circumstantial evidence. In making that decision, you must consider all the evidence in the light of reason, common sense, and your experience.

Source

New Hampshire Civil Jury Instructions 4.6

THE STATE OF NEW HAMPSHIRE

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Lynch Request for Jury Instruction #16

Preponderance of Evidence

In a civil case such as this, the party who makes a claim has the burden of proving it. This is called the burden of proof. The party having the burden of proof must satisfy you that his/her claims on an issue are more probable than not.

The party having the burden of proof does not have to prove his/her claim beyond a reasonable doubt as is required in a criminal case. What he has to prove is that his claim is more likely than otherwise.

As an example of what I mean, imagine in your mind the scales of justice. Put all the credible evidence on the scales, with the evidence in favor of the party having the burden of proof on one side of the scales and the evidence in favor of the other party on the other side. If the scales tip, ever so slightly, for the party having the burden of proof, then on that issue that party has sustained his/her burden. If the scales tip in favor of the other side, or remain level, then the party having the burden of proof has failed to prove it and is not entitled to relief.

Consider all the evidence in the case no matter who produced it. Keep in mind that it is the quality of the evidence that is important which is not necessarily determined by the number of exhibits or witnesses.

Source

New Hampshire Civil Jury Instructions 5.1

THE STATE OF NEW HAMPSHIRE

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Lynch Request for Jury Instruction #17

Proof of Liability

In order to recover damages on account of defendant's legal fault, it is not necessary that the plaintiff prove each and every allegation of legal fault on the part of the defendant. It is sufficient to establish legal fault if the plaintiff convinces you that any one of his/her allegations of legal fault was committed by the defendant.

Source

New Hampshire Civil Jury Instructions 5.6

THE STATE OF NEW HAMPSHIRE

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CHRISTINA J. LYNCH

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Lynch Request for Jury Instruction #18

Legal Fault: Negligence and Causation (General Negligence Cases)

The fact that a lawsuit has been brought following an accident and injury does not necessarily mean that anyone is legally responsible. This lawsuit is simply the means by which the controversy is brought to court to be resolved by you.

In order to recover, Christina Lynch must prove that STJA Corporation is legally at fault for the injury. To do this, the plaintiff must prove that the defendant was negligent and that such negligence was a legal cause of the accident and injury. Now, I will define both negligence and legal cause.

Negligence

Negligence is the failure to use reasonable care. Reasonable care is the degree of care which an ordinary, prudent person would use under the same or similar circumstances.

The failure to use reasonable care may take the form of action or inaction. That is, negligence may consist of either: doing something that an ordinary, prudent person would not do under the same circumstances; or, failing to do something that an ordinary, prudent person would do under the same or similar circumstances.

The duty to use reasonable care arises from the risk to others which could be reasonably foreseen. Thus, a person may not be found negligent if he or she could not reasonably foresee that his/her conduct would result in an injury to another, or if his/her conduct was reasonable in light of the anticipated risks. Also bear in mind that a person has no duty to anticipate the careless conduct of another.

Legal Cause

Failure to exercise reasonable care amounts to legal fault if you find that such failure was a legal cause of the accident and injury. When is negligence a legal cause of harm? When the

negligent conduct is a substantial factor in bringing about the harm, and if the harm would not have occurred without that conduct.

On the other hand, if negligent conduct is not a substantial factor in bringing about the harm, it cannot be the basis for a finding of legal harm.

In determining whether STJA Corporation's conduct was a legal cause of the Christina Lynch's injuries, you do not need to find that the defendant's conduct was the sole cause of the injury. You need only find that it was a substantial factor in bringing about the injury, even though other factors may also have contributed to cause the injury.

In order to recover, it is not necessary that the plaintiff prove each and every allegation of negligence on the part of the defendant. It is sufficient if the plaintiff proves that any one of the allegations of negligence was a substantial factor in bringing about the injury.

Summary

To summarize – If you find STJA Corporation was negligent, Christina Lynch may recover if the defendant's negligence was a legal cause of the injury. In other words, Christina Lynch must prove negligence and harm and they must have a direct, causal connection. The negligence need not be the only cause of the injury, but it must be a substantial factor in bringing about the injury.

Source

New Hampshire Civil Jury Instructions 6.1

THE STATE OF NEW HAMPSHIRE

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Lynch Request for Jury Instruction #19

Liability of Land Owners and Occupier of Land

All landowners are under a duty to use reasonable care under all the circumstances in maintaining and operation of their properties.

The test of reasonable care is what the ordinary prudent person would do under like or similar circumstances. It is up to you to decide whether or not the defendant exercised reasonable care under all the circumstances in the maintenance and operation of the property. The character of, and the circumstances surrounding, the entry onto the property by the plaintiff will be relevant and important in determining whether the defendant acted with reasonable care under all the circumstances. A failure to fulfill this duty of reasonable care would amount to legal fault if it was a cause or substantial cause of this accident.

STJA Corporation, as an owner, cannot be expected to guarantee the safety of those entering the premises, nor is the defendant required to keep, or make his/her property absolutely safe. In short, no liability is imposed merely because an accident occurred on the defendant's property without a showing of fault on the defendant's part.

This duty of reasonable care is owned by the defendant only to such persons as an owner, as a reasonably prudent person under the same or similar circumstances, should have reasonably foreseen would be exposed to risk of harm. If the defendant could not reasonably foresee any injury as a result of his/her act, or if his/her conduct was reasonable in the light of what the defendant could anticipate, there is not any negligence or liability.

Source

New Hampshire Civil Jury Instructions 11.1

THE STATE OF NEW HAMPSHIRE

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Lynch Request for Jury Instruction #20

General Damages and Burden of Proof

A person who claims damages has the burden of proving that it is more probable than not that the damages that he/she seeks were caused as a result of the legal fault of the defendant person, he/she must show the extent and the amount of those damages.

If you decide that STJA Corporation was legally at fault, you will then decide whether Christina Lynch has proved any of the items of loss or harm that I shall talk about in a couple of minutes.

For each item of loss or harm that Christina Lynch claims, she must prove that it is more probable than not, that (1) Ms. Lynch has (or will have) such a loss or harm, and (2) the loss or harm was caused by the legal fault of defendant. If you decide that plaintiff has proved these two matters to be more probable than not, you must then decide how much money or damages will fully, fairly and adequately compensate plaintiff for each of those items or loss or harm.

Source

New Hampshire Civil Jury Instructions 9.2

THE STATE OF NEW HAMPSHIRE

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Lynch Request for Jury Instruction #21

Damages

In the event you should find for Christina Lynch, you must award her fair compensation for her injuries.

If you find the Christina Lynch is entitled to recover damages, the amount thereof must be full, fair and adequate. It must not be cheap or miserly. Christina Lynch is entitled to be fully compensated for the harm resulting from defendant's legal fault. The purpose of the civil law is not to punish anyone but to compensate those who are injured as a result of the legal fault of the defendant in such amounts as the evidence justifies.

In determining the amount of damages to allow the plaintiff, you may draw such inferences as are justified by your common experiences and observations of mankind, from the evidence of the nature of the injuries and the results thereof. You may also consider whether it is more probable than otherwise that his/her damages will continue into the future as a direct, natural and probable consequence of the defendant's legal fault and, if so, award him/her full, fair and adequate compensation for those future damages.

Source

New Hampshire Civil Jury Instructions 9.3

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Lynch Request for Jury Instruction #22

Damages – Full, Fair and Adequate

You are instructed that in your determination as to the amount of damages to award to the plaintiff you must consider the evidence in the case and must not consider, discuss, or speculate upon any events, factors, possibilities or other matters not admitted in evidence.

The rules of evidence prohibit either party from introducing into evidence the existence or nonexistence or insurance coverage. No inferences should be drawn from the failure of the parties' to mention the existence or nonexistence of insurance coverage.

In determining damages, you may not consider or speculate on whether the defendant is insured or has the ability to pay an award. Your responsibility is to determine damages in accordance with the law I will explain to you, without regard to the defendant's financial circumstances.

Likewise, you may not consider or speculate on whether the plaintiff has received benefits from other sources in connection with her injuries. This includes worker's compensation benefits, health insurance coverage, and any other insurance benefits. The law does not permit you to make any deduction from the plaintiff's damages to reflect benefits which may have been received from other sources. This is so because the plaintiff may be required to repay such other sources from any award made in the case. Your duty is to determine damages based only on the evidence presented at trial and the legal instructions which the judge will give you.

Nor may you consider any publicity, advertisements or news articles or items about lawsuits in general for the effect, if any, your verdict might have on others.

In other words, on the issue of damages, the only proper consideration is what amount of money will fully, fairly, and adequately compensate Christina Lynch for the injuries she has sustained as you find from the evidence.

Christina Lynch has the burden to prove that the injuries she claims to have sustained were caused by the defendant's legal fault. She also has the burden to demonstrate the extent of those damages. You are not allowed to guess, surmise or speculate. You should award the plaintiff an amount to compensate her for her loss; the amount of the verdict must make him/her whole, not a reward or prize, but, on the other hand, not miserly or stingy.

The reason behind awarding a verdict to Christina Lynch is to compensate her for the injuries incurred as a result of the defendant's legal fault. The law cannot do the impossible by turning back the clock and eliminating the accident from ever having occurred; it does provide a means by which the plaintiff is made whole, by awarding full, fair and adequate compensation.

Source

New Hampshire Civil Jury Instructions 9.5

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Lynch Request for Jury Instruction #23

Elements of Personal Injury Damages

In awarding damages, the following may be considered:

1. The reasonable value of medical (hospital, nursing) care, services, and supplies reasonably required and actually given in the treatment of Christina Lynch (and the reasonable value of similar items that will probably be required and given in the future.)
2. The present value of lost wages to date or wages Christina Lynch probably would have earned to date if she had not been injured.
3. The present value of plaintiff's loss of earning capacity, that is, any future wages that plaintiff probably would have earned if he/she had not been injured.
4. Reasonable compensation for pain and suffering experienced to date and which will probably be experienced in the future. This includes compensation for physical pain, discomfort, fears, anxiety, mental and emotional distress, and loss of enjoyment of life – that is, the inability to carry on and enjoy life in a manner had the accident not occurred.

No definite standard (or method of mathematical calculation) is prescribed by law by which to fix reasonable compensation for pain and suffering. Nor is the opinion of any witness required as to the amount of such reasonable compensation. In making an award for pain and suffering you should exercise your reasonable judgement and the damages you determine have to be full, fair and adequate in light of the evidence.

Source

New Hampshire Civil Jury Instructions 9.6

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Lynch Request for Jury Instruction #24

Hedonic Damages

In addition, in a case in which the plaintiff has established permanent injuries, the jury is entitled to award such compensation as it determines would fairly and fully compensate the plaintiff for any loss of enjoyment of life which she has sustained as a result of the defendant's legal fault. This element is separate and distinct from the claim of economic loss and conscious pain and suffering. It concerns the inability, if any you find from the evidence, of the plaintiff to carry on and enjoy a life in a manner had the accident not occurred.

Source

New Hampshire Civil Jury Instructions 9.9

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Lynch Request for Jury Instruction #25

Life Expectancy Table

If you find from the evidence that Christina Lynch is likely to continue to suffer damage in the future, you may consider her life expectancy, that is, the number of years she is likely to continue to suffer damage.

According to a table of mortality the life expectancy of a female person aged forty-four (44) years is thirty-eight.three (38.3) additional years. This figure is not binding upon you. It is an estimate based on experience of persons who have reached that age. However, this figure may be considered by you in connection with other evidence relating to the probable life expectancy of Christina Lynch, including evidence of her occupation, health, habits and other activities, and circumstances bearing in mind that many persons live longer and may die sooner than the average.

No Life Expectancy Table

You will decide what additional number of years of life Christina Lynch will probably have. In deciding what that figure is, you will consider expert evidence of Ms. Lynch's probable work expectancy, and Ms. Lynch's occupation, health, habits and other activities, that tend (to affect life expectancy) (to increase or decrease life expectancy).

Source

New Hampshire Civil Jury Instructions 9.11

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS

NORTHERN DISTRICT

SUPERIOR COURT

216-2014-CV-00787

CHRISTINA J. LYNCH

v.

STJA CORPORATION and MAD BOB'S SALOON, LLC

Lynch Request for Jury Instruction #26

Standard Final Instruction

Members of the jury:

The principles of law given to you in these instructions, as I said before, are intended to guide you in reaching a fair and just verdict in this case which is of utmost importance to the parties as well as the court. You should decide the facts of this case without passion, without sympathy, and without prejudice but with honesty and understanding. You should be conscientious of a just result in this case as that is your highest duty as officers of this court.

(Explain use of verdict form.)

Unlike verdicts in criminal cases, which are delivered in open court, a verdict in a civil case such as this one is given in writing and delivered to me by the court officer to be opened in the presence of counsel in chambers. When you have reached a verdict, knock on the door of the deliberation room and deliver the written verdict to the court officer in the furnished envelope.

Your verdict must be unanimous, that is, you must all agree. In order to ensure that the verdict is in fact unanimous, the verdict of the jury as a whole must be the verdict of each of you individually.

The duty of the foreperson of the jury is to act very much like the chairperson of a committee, making certain that each and every member of the jury is given a full and fair opportunity to present his or her views and opinions on each of the issues presented to you for determination. You are each instructed to consider each other's views and opinions and in the final instance reach your own conclusions.

In the event you have some question relative to my instructions or the legal issues presented in this case, please put the question in writing, have the foreperson sign the question

and, if you remember to do so, write down the time you presented the question to the court officer. He will then present the question to me for response which I will furnish you after I have had the opportunity to discuss the question and proposed answer with counsel. I cannot comment on the evidence, as that is not my role. As I said previously, it is up to you to evaluate the evidence and you must use your own recollection of it.

You may now retire and commence your deliberations, and I will see to it that the exhibits that have been entered in this case are delivered to you.

Source

New Hampshire Civil Jury Instructions 1.9

THE STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS
NORTHERN DISTRICT

SUPERIOR COURT

216-2014-CV-00787

CHRISTINA J. LYNCH

v.

STJA CORPORATION and MAD BOB'S SALOON, LLC

GENERAL VERDICT FORM

1. Do you find that Christina Lynch has proven her case against STJA Corporation?

Yes _____ No _____

If your answer to Question #1 is "yes", proceed to question #2. If you answer to Question #1 is "no" the foreperson should sign this form and hand it to the bailiff.

2. Please state the full amount (in words and numbers) of the verdict you award Christina Lynch.

Date

Foreperson

Section 10: Closing