

D-4 In the suit by Mr. Gardner against Larry Giles, I charge you gentlemen of the jury, that if you believe the evidence you must return a verdict for the Defendant, Larry Giles.

Respectfully,
Jeffery M. Washburn
Judge

D-5 In the suit by Mr. Gardner against Larry Giles, I charge you gentlemen of the jury, that if you believe the evidence you must return a verdict for the Defendant under Count One of the Complaint.

*Refused,
Jeffery. Washburn
Judge.*

D-6 In the suit by Mr. Gardner against Larry Giles, I charge you gentlemen of the jury, that if you believe the evidence you must return a verdict for the Defendant under Count Two of the Complaint.

~~Revised~~
Duesen
Jeffrey J. Masterson
Judge.

D-8 The Court charges the jury, that in Mr. Gardner's case against Larry Giles, the burden of proof is on Mr. Gardner to reasonably satisfy your minds from the evidence of the truth of the material allegations of one of the Counts of the Complaint, and I charge you that unless Mr. Gardner has met that burden, you cannot return a verdict in favor of Mr. Gardner and against Larry Giles.

Given
Judging. Maslow
Judge

D-11 Gentlemen of the jury, I charge you that if you are reasonably satisfied from the evidence that any witness in this cause has willfully sworn falsely to any material fact, then you may disregard the testimony of such witness in its entirety.

Refused,
Sufair J. Maddison
Judge

D-12 I charge you gentlemen of the jury, that if, after a fair consideration of all of the evidence in this case, the mind of any one or more of the jury is not reasonably satisfied that Mr. Gardner is entitled to recover in his suit against Larry Giles, then you cannot return a verdict in favor of Mr. Gardner and against Larry Giles.

Brown,
Sebastian J. Middlemore
Judge

D-13 I charge you, gentlemen of the jury, that evidence offered and not admitted by the Court is not entitled to nor should it receive any consideration from you.

Refused,
Jeffery G. Macalister
Judge.

D-14 In the suit by Mr. Gardner against Larry Giles, I charge you gentlemen of the jury that there is no presumption of negligence on the part of the Defendant, Larry Giles, from the mere fact that a vehicle driven by Giles came in contact with the vehicle driven by the Plaintiff.

Respectfully,
Jeffrey J. Madala
Judge

D-15 In the suit by Mr. Gardner against Larry Giles, I charge you gentlemen of the jury that there is no presumption of wantonness on the part of the Defendant, Larry Giles, from the mere fact that a vehicle driven by Giles came in contact with the vehicle driven by the Plaintiff.

Refused
Telfair J. Madison
Judge

D-16 In the suit by Mr. Gardner against Larry Giles, I charge you gentlemen of the jury that there is no presumption of willfulness on the part of the Defendant, Larry Giles, from the mere fact that a vehicle driven by Giles came in contact with the vehicle driven by the Plaintiff.

Refused
Jeffery M. Mathison
Judge

D-18 Gentlemen of the jury, I charge you that under the law of Alabama, the Defendant, Larry Giles, was under no duty to assume or anticipate that any person would violate the rules of the road at the time and place complained of.

Siven,
Jeffery Madison
Judge

D-19 I charge you gentlemen of the jury, that the driver of a motor vehicle upon a public highway has the right to assume that all persons using the public highway will conform with the law of the State, and such driver has the right to presume and act thereon, until it otherwise appears.

Dusen,
Joseph M. Maslowski
Judge.

D-21 I charge you gentlemen of the jury that you cannot award the Plaintiff,
Mr. Gardner, any punitive damages.

~~Over~~
Refused
Deafan J. Washburn
Judge

D-27 The Court charges the jury that you are authorized to take into consideration the physical facts and circumstances surrounding the accident, and if the testimony of any witness is in conflict with such physical facts, then the jury may take into consideration such conflict in determining what weight they will give to the testimony of such witness.

*Dixon,
Jeffrey Madison
Judge*

D-28(a)

In the suit by Mr. Gardner against Larry Giles, The Court charges the jury that if you are reasonably satisfied from the evidence that Mr. Gardner was guilty of negligence which proximately contributed to his injuries and damages, then you cannot return a verdict in favor of Mr. Gardner and against Larry Giles under Count One of the Complaint.

Given
Jeffery M. Madson
Judge

D-28(b)

In the suit by Mr. Gardner against Larry Giles, The Court charges the jury that if you are reasonably satisfied from the evidence that Mr. Gardner was guilty of negligence which proximately contributed to his injuries and damages, then you cannot return a verdict in favor of Mr. Gardner and against Larry Giles under Count Two of the Complaint.

*Refused
J. Fair J. Madelbaum
Judge*

D-29(a) In the suit by Mr. Gardner against Larry Giles, the Court charges the jury that if you are reasonably satisfied from the evidence that Mr. Gardner was guilty of negligence which proximately contributed even in the slightest degree to his injuries and damages, then you cannot return a verdict in favor of Mr. Gardner and against Larry Giles under Count One of the Complaint.

Gives
Joseph J. Madlisen
Judge

D-29(b)

In the suit by Mr. Gardner against Larry Giles, the Court charges the jury that if you are reasonably satisfied from the evidence that Mr. Gardner was guilty of negligence which proximately contributed even in the slightest degree to his injuries and damages, then you cannot return a verdict in favor of Mr. Gardner and against Larry Giles under Count Two of the Complaint.

Refused
Joseph G. Marshall
Judge

D-31 The Court charges the jury that Title 36, Section 18, Code of Alabama of 1940 provides in pertinent part as follows: "When two vehicles approach or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right . . .".

Given
Jessie M. Liburn
Judge.

D-32 In the suit by Mr. Gardner against Larry Giles, the Court charges the jury that if you are reasonably satisfied from the evidence in this case that the Plaintiff and Defendant approached or entered the intersection at approximately the same time, and if you are further reasonably satisfied from the evidence that Mr. Gardner was to the left of Larry Giles, and if you are further reasonably satisfied from the evidence that Mr. Gardner failed to yield the right-of-way, then Mr. Gardner would be guilty of negligence as a matter of law. If you are further reasonably satisfied from the evidence that such negligence on the part of Mr. Gardner contributed proximately to cause his injuries and damages, even in the slightest degree, then you cannot return a verdict in favor of Mr. Gardner under Count One of Mr. Gardner's Complaint.

~~by~~ *Refused*
Deputy J. Prosser
Judge

D-33 In the suit by Mr. Gardner against Larry Giles, the Court charges the jury that if you are reasonably satisfied from the evidence in this case that Mr. Gardner was to the left of the Defendant and failed to yield the right-of-way to the Defendant, and if you are further reasonably satisfied that such action on the part of Mr. Gardner proximately contributed to his injuries and damages, even in the slightest degree, then you cannot return a verdict in favor of the Plaintiff and against the Defendant under Count One of the Plaintiff's Complaint.

Given
Jeffrey G. Mathison
Judge

D-34 The Court charges the jury that to constitute negligence for which an action at law may be maintained, there must not only be a causal connection between the negligence complained of and the injuries suffered, but the connection must be by a natural and unbroken sequence, without intervening efficient causes, so that, but for the negligence of the Defendant, if any, the injury would not have occurred. It must not only be a cause, it must be the proximate cause, that is, the direct and immediate efficient cause of the injury.

Given
Seafair J. Matheson
Judge.

D-36 The Court charges the jury that it shall be prima facie unlawful for any person to exceed the speed of 15 miles per hour when approaching within 50 feet and in traversing an intersection of public streets when the driver's view is obstructed. The Court further charges the jury that it is the law of the State of Alabama that a driver's view shall be deemed to be obstructed when at any time during the last 50 feet of his approach to an intersection of public streets, he does not have a clear and uninterrupted view to such approach to such intersection and of the traffic upon all of the public streets entering such intersection of a distance of 200 feet from such intersection.

*Given
Deputy J. M. Oldham
Judge.*

D-37 The Court charges the jury that it shall be presumed to be unlawful for any person to exceed the speed of 15 miles per hour when approaching within 50 feet and in traversing an intersection of public streets when the driver's view is obstructed. The Court further charges the jury that it is the law of the State of Alabama that a driver's view shall be deemed to be obstructed when at any time during the last 50 feet of his approach to an intersection of public streets, he does not have a clear and uninterrupted view to such approach to such intersection and of the traffic upon all of the public streets entering such intersection of a distance of 200 feet from such intersection.

~~W. J. Mason~~ Refused
Deputy J. Mason

D-38 Gentlemen of the jury if you are reasonably satisfied from the evidence that at the time and place complained of in the complaint and during the last 50 feet of his approach to the intersection in question, Mr. Gardner did not have a clear and uninterrupted view to such approach to such intersection and of the traffic upon all of the public streets entering such intersection for a distance of 200 feet from the intersection, and if you are further reasonably satisfied from the evidence that Mr. Gardner then and there operated his motor vehicle at a speed of more than 15 miles per hour then I charge you that such action on the part of Mr. Gardner raises a presumption of negligence on his part.

Refused
Sylvain J. MacArthur
Judge

D-40 I charge you, gentlemen of the jury, that under the law of the State of Alabama the presumed lawful rate of speed allowed is 15 miles an hour when approaching within 50 feet and in traversing an intersection of public streets when the driver's view is obstructed; and I further charge you that a driver's view shall be deemed to be obstructed when at any time during the last 50 feet of his approach to such intersection, he does not have a clear and uninterrupted view to such approach to such intersection and of the traffic upon all of the public streets entering such intersection for a distance of 200 feet from such intersection.

Refused
Jefair J. Maddox
Judge

D-41 The Court charges the jury that wantonness is the conscious doing of some act or omission of some duty under knowledge of existing conditions and conscious that from the doing of such act, or omission of such duty, injury will likely or probably result. Before a party can be said to be guilty of wanton conduct, it must be shown that with reckless indifference to the consequences he consciously and intentionally did some wrongful act or omitted some known duty which produced the injury.

~~W. J. Maske~~ *Refused*
W. J. Maske
judge

D-42 In the suit by Mr. Gardner against Larry Giles, the Court charges the jury that if you are not reasonably satisfied that the Defendant injured the Plaintiff through willfulness or design or purpose, then you cannot return a verdict in favor of the Plaintiff and against the Defendant under Court Two of the Plaintiff's Complaint.

~~Refused~~
Refused
Seymour M. Maslow
Judge

D-43 In the suit by Mr. Gardner against Larry Giles, the Court charges the jury that willfulness implies an act done intentionally and designedly, and if you are not reasonably satisfied from the evidence in this case that the Defendant was guilty of willfulness, then you cannot return a verdict in favor of Mr. Gardner and against Larry Giles under Count Two of the Complaint.

Richard
Deputy J. Marshall
Judge

D-A I charge you Gentlemen that speed
alone does not constitute wantonness.

~~was~~ Refused
helping. Washburn
judges.