

1. The Court charges the Jury that you cannot find a verdict for the
Plaintiff.

Refused,
Jeffrey G. Marshall
Judge

2. The Court charges the Jury that you cannot find a verdict for the Plaintiff under Count 1.

*Refused,
Jeffrey J. Maschbauer
Judge*

4. The Court charges the Jury that you cannot find a verdict for the Plaintiff under Count 3.

Refused,
Jeffery Masleson
Judge

5. The Court charges the Jury that you cannot find a verdict for the Plaintiff under Count 4.

Refused,
Jeffrey J. Maslow
Judge

6. The Court charges the Jury that if you believe the evidence in this case, you cannot find a verdict for the Plaintiff.

Refused
Jafar J. Masubani
Judge

7. The Court charges the Jury that if you believe the evidence in this case, you cannot find a verdict for the Plaintiff under Count 1.

~~Richard~~, Sworn
Jeffery J. Madsen
Judge

9. The Court charges the Jury that if you believe the evidence in this case, you cannot find a verdict for the Plaintiff under Count 3.

Refused
Jeffery J. Mathison
Judge

10. The Court charges the Jury that if you believe the evidence in this case, you cannot find a verdict for the Plaintiff under Count 4.

Refused
Seamus J. MacLisown
Judge

11. The Court charges the Jury that in this, as in all civil cases, the burden of proof is on the Plaintiff to reasonably satisfy the Jury upon the evidence in the case of the truth of the material allegations of the Complaint before she is entitled to recover, and this burden remains on the Plaintiff throughout the trial.

Suzanne
Jessie J. Mandelbaum
Judge

13. The Court charges the Jury that the duty of a landowner to a person on his land other than invitees is only that the landowner must not willfully or wantonly injure such person nor negligently injure him after discovering such person is in peril, and that if you are reasonably satisfied from the evidence in this case that the Plaintiff was not willfully or wantonly injured by Defendants, and that the injury to the Plaintiff was not caused by negligence of the Defendants after discovering that the Plaintiff was in peril, you cannot find a verdict for the Plaintiff.

Given
Jefair J. Maslowski
Judge

14. The Court charges the Jury that as a matter of law in Alabama a child may be a trespasser.

Dixie
Jefan J. Mashekin
Judge

16. The Court charges the Jury that as a matter of law in Alabama the owner of property owes no duty to a trespasser save not to wantonly or intentionally injure or harm him.

Given
Jefair G. Marshall
Judge

17. The Court charges the Jury that you may look, and it is your duty to look, to the demeanor of the witnesses who testify, their opportunity to learn, see and know, as applied to the evidence and give it all such weight and credence as you shall see fit and proper.

Refused
Dejane J. Marshall
Judge

P #1

Given
Jefair J. MacLennan
Judge

THE COURT CHARGES THE JURY ALL THAT IS MEANT BY WANTON OR WILLFUL OR INTENTIONAL NEGLIGENCE IS THE CONSCIOUS FAILURE ON THE PART OF THE DEFENDANT TO USE REASONABLE CARE TO AVOID THE INJURY AFTER DISCOVERING THE DANGER, IF THE JURY BELIEVES FROM THE EVIDENCE THERE WAS SUCH FAILURE AND THE INJURY RESULTED THEREFROM AND IN SUCH CASE ANY NEGLIGENCE ON THE PART OF THE PLAINTIFF, WHETHER IT CONTRIBUTED TO THE INJURY OR NOT IS NOT A DEFENSE OR EXCUSE TO THE DEFENDANT FOR INJURING THE PLAINTIFF.

THE COURT CHARGES THE JURY THAT WANTONNESS WOULD BE A
CONSCIOUS ACT OR A CONSCIOUS FAILURE TO ACT, WITH A KNOWLEDGE
THAT INJURY WILL PROBABLY RESULT.

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Given
Jeffrey J. Madoleben
Judge

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IF THE JURY BELIEVES FROM THE EVIDENCE THAT THE DEFENDANT WAS SO GROSSLY NEGLIGENT AS TO EVIDENCE AN ENTIRE WANT OF CARE, AND TO CREATE THE PRESUMPTION IN A REASONABLE MIND THAT, BEING CONGNIZANT OF THE PROBABLE CONSEQUENCES OF THEIR NEGLIGENCE TO THE PLAINTIFF, THEY WERE INDIFFERENT TO IT; THEN SUCH VINDICATIVE DAMAGES MAY BE FOUND AS, IN THE ENLIGHTENED CONSCIENCE OF THE JURY, ARE RIGHT.

James J. Washburne
Judge

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Refused!
Defendant's motion
granted

THE COURT CHARGES THE JURY THAT IF THEY BELIEVE FROM THE EVIDENCE THAT DEFENDANTS HAD KNOWLEDGE THAT SOME PERSON WAS LIKELY TO BE IN A POSITION OF DANGER AND WITH CONSCIOUS DISREGARD OF SUCH KNOWN DANGER CONTINUED TO ALLOW THE CONDITION TO EXIST AND RESULTED IN INJURING THE PLAINTIFF, THEN THIS IS A WANTON INJURY AND YOU MUST FIND A VERDICT FOR THE PLAINTIFF.

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THE COURT CHARGES THE JURY A WILL TO INJURY IS NOT NECESSARY
TO CONSTITUTE WANTONNESS.

*see
Telford J. Madelbom
Judge*