

Defendants' Requested Charge No. 1

The Court charges the jury that under the evidence in this case  
your verdict must be for the defendants.

Refused  
Jeffrey J. Markiewicz  
Judge.

Defendants' Requested Charge No. 2

The Court charges the jury that under the evidence in this case  
you may not return a verdict against the defendants.

*Refused*  
*Selmer H. Mathison*  
*Judge*

Defendants' Requested Charge No. 3.

The Court charges the jury that if you believe the evidence in  
this case your verdict must be for the defendants.

Refused  
Jeffrey G. Maslowski  
Judge

Defendants' Requested Charge No. 4

The Court charges the jury that if you believe the evidence  
in this case you may not return a verdict against the defendants.

*Refused;  
Jeffery Madelburn  
Judge*

Defendants' Requested Charge No. 5

The Court charges the jury that you must not allow sympathy for any of the parties to this cause to interfere with your arriving at a verdict in said cause.

Given  
Sefer J. Maslibian  
Judge

Defendants' Requested Charge No. 6

The Court charges the jury that there is no presumption of negligence from the mere occurrence of a motor vehicle collision and you may not presume that the defendants are guilty of negligence simply because there has been a collision with a resulting death.

*Siven*  
*Jefair J. Masleburn*  
*Judge.*

Defendants' Requested Charge No. 7

The Court charges the jury that no inference of negligence  
may be drawn from the mere fact that there has been a collision.

~~Jeffrey J. Mansel~~ Refused  
Jeffrey J. Mansel  
Judge

Defendants' Requested Charge No. 8

The Court charges the jury that the mere fact that there has been a death does not entitle the plaintiff in this cause to recover damages from the defendants.

~~\_\_\_\_\_~~ Refused  
Salfair J. Mansfield  
Judge



Defendants' Requested Charge No. 9

The Court charges the jury that the complaint in this case seeks punitive damages which are defined as damages which punish a wrongdoer commensurately with the nature of the wrong done.

*Signed,*  
*Jeffrey J. Mathison*  
*Judge*

Defendants' Requested Charge No. 12

The Court charges the jury that contributory negligence in Alabama is a complete bar to recovery. If you are reasonably satisfied from the evidence in this case that the decedent, Barbara Jean Cowart, was guilty of the slightest degree of negligence which proximately contributed, in the slightest degree, to the motor vehicle collision and her resulting death, then you may not return a verdict against the defendants *under Count One of the complaint.*

*Refused*  
~~*by*~~  
*Jeffery J. Masliber*  
*Judge*

Defendants' Requested Charge No. 10

The Court charges the jury that the complaint in this case seeks punitive damages which are defined as damages which punish a wrongdoer commensurately with the nature of the wrong done. Unless you are reasonably satisfied from the evidence in this case that the defendants should be punished by the imposition of such damages, then you may not return a verdict against the defendants.

~~Refused~~ Refused  
Jeffrey G. Masarik  
Judge.

Defendants' Requested Charge No. 11

The Court charges the jury that the defendants have pleaded contributory negligence on the part of the decedent. If you are reasonably satisfied from the evidence in this case that the decedent, Barbara Jean Cowart, was guilty of the slightest degree of negligence which proximately contributed to the motor vehicle collision in question and her resulting death, then you may not return a verdict against the defendants *under* Count one of the complaint.

*Siven  
Jefair J. Madiburn  
Judge*

Defendants' Requested Charge No. 13

The Court charges the jury that if you are reasonably satisfied from the evidence in this case that any witness has willfully testified falsely to any material fact in said case, then you may disregard his or her testimony in its entirety.

*Refused,  
Jeffrey J. Madhuban  
Judge*

Defendants' Requested Charge No. 14

The Court charges the jury that it is the burden of the plaintiff to prove to your reasonable satisfaction the material allegations of the plaintiff's complaint and unless you are reasonably satisfied from the evidence in this case that the plaintiff has met this burden, then you may not return a verdict against the defendants.

*Refused*  
*Jefair J. Masibura*  
*Judge.*

Defendants' Requested Charge No. 15

The Court charges the jury that it is never the burden of a defendant to prove his or her innocence. The burden is upon the plaintiff to prove to your reasonable satisfaction from the evidence that the defendants were guilty of negligence as charged in the plaintiff's complaint, which negligence proximately caused the collision and the resulting death of Barbara Jean Cowart. Unless you are reasonably satisfied from such evidence that the plaintiff has met this burden, then you may not return a verdict against the defendants.

*Given*  
*Seamus J. Madlbum*  
*Judge.*

Defendants' Requested Charge No. 16

The Court charges the jury that when a defendant pleads contributory negligence, as the defendants in this case have so pleaded, it is the burden of the defendant to prove to your reasonable satisfaction the material allegations of said plea of contributory negligence. However, this does not mean that the plaintiff is thereby relieved of his burden of proving the material allegations of his complaint because unless the plaintiff has proved the material allegations of his complaint, it is unnecessary to consider the defendants' plea of contributory negligence.

*Signed,*  
*Sejan J. Maslowski*  
*Judge*



Defendants' Requested Charge No. 17

The Court charges the jury that the plaintiff seeks to recover damages in this lawsuit which are called punitive damages. It is contemplated under the law that punitive damages will punish a wrongdoer and deter others from committing similar wrongs. Unless you are reasonably satisfied from the evidence in this case that the defendants should be punished by the imposition of such damages, then you may not return a verdict against the defendants.

*Refused*  
*Jeffrey J. Madlebun*  
*Judge*

Defendants' Requested Charge No. 18

The Court charges the jury that the plaintiff seeks to recover what are known in Alabama as punitive damages. The Court charges you that before you can award the plaintiff any damages in this case, you must first be reasonably satisfied from the evidence in this case that the conduct of Lee Fred Odom was such conduct as deserves the imposition of punishment and if you should be reasonably satisfied from the evidence in this case that said conduct does not deserve punishment, then you may not return a verdict against the defendants.

*Refused*  
*Jeffery J. Maddison*  
*Judge*

Defendants' Requested Charge No. 19

The Court charges the jury that you may not speculate or guess  
as to what occurred on the occasion in question in this lawsuit.

Susan  
Seifert J. Madaleno  
Judge

Defendants' Requested Charge No. 20

The Court charges the jury that if your minds are left in a state of conjecture and doubt after hearing all of the evidence in this case, you may not return a verdict against the defendants and your verdict must be for the defendants.

*Refused  
Seifert J. Masler  
Judge*

Defendants' Requested Charge No. 21

The Court charges the jury that if, after a full and careful consideration of the evidence in this case, your minds are left in a state of conjecture and doubt, then you may not return a verdict against the defendants.

*Given*  
*Jeffrey J. Marshall*  
*Judge.*

Defendants' Requested Charge No. 22

I charge you, gentlemen of the jury, that a driver of a motor vehicle in the State of Alabama has the right to presume that all other persons driving motor vehicles on the streets and highways in the State will conform to the law of the State, and such driver has the right to presume and act thereon, until it otherwise appears.

*Refused;*  
*Jeffair J. Mauldin*  
*Judge*

Defendants' Requested Charge No. 23

I charge you, gentlemen of the jury, that defendant Odom had a right to assume that the plaintiff's intestate was operating her motor vehicle within the legal speed limit at said time and place as her automobile approached the scene of this accident.

*Refused*  
*Suzan J. Mathison*  
*Judge*

Defendants' Requested Charge No. 24

I charge you, gentlemen of the jury, that the legal speed limit for the automobile being driven by the plaintiff's intestate at said time and place was 50 miles per hour.

~~is~~ Refused  
J. J. Madison  
Judge.



Defendants' Requested Charge No. 25

I charge you, gentlemen of the jury, that the legal speed limit for the automobile being driven by the plaintiff's intestate at the time and place alleged in the complaint was 50 miles per hour, and, if you are reasonably satisfied from the evidence in this case that the plaintiff's intestate was exceeding that speed limit and that this ~~accident~~<sup>act</sup> was the sole proximate cause of the collision, and of the plaintiff's intestate's death, then your verdict cannot be for the plaintiff.

*Judge*  
Jesse J. Madisum  
Judge.

Defendants' Requested Charge No. 26

I charge you, gentlemen of the jury, that the legal speed limit for the automobile being driven by the plaintiff's intestate at said time and place was 50 miles per hour and, if you are reasonably satisfied from the evidence in this case that plaintiff's intestate was driving said automobile at a speed in excess of said speed limit at said time and place and that such act proximately contributed to the accident and her death, then your verdict cannot be for the plaintiff under *Count One of the plaintiff's complaint.*

*Refused*  
*Jeffrey J. Madlener*  
*Judge*

Defendants' Requested Charge No. 27

I charge you, gentlemen of the jury, that if you are reasonably satisfied from the evidence in this case that the plaintiff's intestate was operating her motor vehicle at a speed in excess of 50 miles per hour on Highway 90 at the time and place alleged in the plaintiff's complaint, then the plaintiff's intestate was guilty of negligence as a matter of law.

Requested,  
Jefair A. Madelstein  
Judge.