

PLAINTIFF'S REQUESTED JURY CHARGE 1

A person confronted with a sudden emergency, not of his own making, calling for quick action is not held to the same correctness of judgment and action as if that person had the time and opportunity to consider fully and choose the best means of escaping the peril or preventing injury.

Given
Jeffrey J. Madala
Judge

PLAINTIFF'S REQUESTED JURY CHARGE 2

If you the jury be reasonably satisfied from all the evidence that the Plaintiff was confronted with a sudden emergency not of her own making, calling for quick action on her part, you are instructed that under those circumstances Plaintiff should not be held to the same correctness of judgment and action as if she had had the time and opportunity to consider fully and choose the best means of escaping peril or preventing injury.

Given
J. Fair J. Mableburn
Judge

PLAINTIFF'S REQUESTED JURY CHARGE 5

In the case now before the jury, the Plaintiff claims damages for pain and mental anguish. The theory of damages in a personal injury suit like this is to compensate the injured party for all losses which are the natural and proximate consequence of the wrong done which are claimed in the complaint and proved by the evidence to the reasonable satisfaction of the jury. Compensation is not necessarily done where the Defendant merely reimburses Plaintiff for her out of pocket expenses alone. Although pain and suffering do not represent a pecuniary loss, they are proper elements of damages. Accordingly, if you be reasonably satisfied from the evidence that the Plaintiff has made out a case of liability, then the Plaintiff is entitled to recover compensation for the physical pain and mental suffering proven to your reasonable satisfaction by the evidence. The amount of this compensation for physical pain and mental anguish cannot be measured by any precise yardstick or formula but must be determined in the sound discretion of the jury applying its own collective experiences, knowledge, wisdom and judgment.

Thane
Joseph J. Marshall
Judge

DEFENDANT OTIS HENRY EDGE'S REQUESTED CHARGE NO. 1

The Court charges the jury that the burden of proof is on the plaintiff under Count One of her complaint to prove to your reasonable satisfaction by the evidence the truth of each and every material allegation of her complaint.

Given
Jeffrey G. Washburn
Judge

DEFENDANT OTIS HENRY EDGE'S REQUESTED CHARGE NO. 5

The Court charges the jury that if, after consideration of all the evidence in this case, the mind of any one or more of the jury is not reasonably satisfied that the plaintiff is entitled to recover, you cannot return a verdict under Count One of the complaint in favor of the plaintiff and against the defendant.

Given
Jefair J. Maslibum
Judge

DEFENDANT OTIS HENRY EDGE'S REQUESTED CHARGE NO. 7

The Court charges the jury that proof of an injury does not in itself prove negligence.

*given
J. H. Haskins
Judge*

DEFENDANT OTIS HENRY EDGE'S REQUESTED CHARGE NO. 9

The Court charges the jury under Count One of the Plaintiff's complaint, that if the defendant, Otis Henry Edge's automobile was discoverable in time to avoid the accident by exercise of reasonable care on the part of the plaintiff, Mary V. Chestnut, and Mary V. Chestnut's injuries and damages were the proximate result of her failure to perform her duty in this respect, then I charge you that Mary V. Chestnut was herself guilty of negligence and hence she cannot recover in this case.

Given
Seafair J. Mable
Judge.

DEFENDANT OTIS HENRY EDGE'S REQUESTED CHARGE NO. 20

The Court charges the jury that you cannot find
a verdict for Mary V. Chestnut based purely on speculation
and conjecture.

*Given
J. Edgar Maslun
Judge*

DEFENDANT OTIS HENRY EDGE'S REQUESTED CHARGE NO. 12

The Court charges the jury that under Count One of the complaint that contributory negligence, no matter how slight, which proximately contributed to the injuries of the plaintiff, Mary Chestnut, is a complete defense to the action, and if you are reasonably satisfied from the evidence in this case that the plaintiff, Mary Chestnut, was guilty of some negligence in the operation of her automobile on the occasion complained of, which proximately contributed to her injuries and damages in the slightest degree, your verdict should be for the defendant, Otis Henry Edge.

*Given
Jefair J. Marshall
Judge*

DEFENDANT OTIS HENRY EDGE'S REQUESTED CHARGE NO. 2

The Court charges the jury that the burden of proof is on the plaintiff under Count Two of her complaint to prove to your reasonable satisfaction by the evidence the truth of each and every material allegation of her complaint.

Refused
Jeffrey J. Mathew
Judge

DEFENDANT OTIS HENRY EDGE'S REQUESTED CHARGE NO. 3

The Court charges the jury that the burden of proof is upon the plaintiff to prove by the evidence in this case, to your reasonable satisfaction under Count One of her complaint, every material allegation of her complaint and if she has not so reasonably satisfied you by the evidence, then you must find a verdict for the defendant.

*Refused,
Jefair J. Mathison
Judge.*

DEFENDANT OTIS HENRY EDGE'S REQUESTED CHARGE NO. 4

The Court charges the jury that the burden of proof is upon the plaintiff to prove by the evidence in this case, to your reasonable satisfaction under Count Two of her complaint, every material allegation of her complaint and if she has not so reasonably satisfied you by the evidence, then you must find a verdict for the defendant.

Refused

DEFENDANT OTIS HENRY EDGE'S REQUESTED CHARGE NO. 6

The Court charges the jury that if, after consideration of all the evidence in this case, the mind of any one or more of the jury is not reasonably satisfied that the plaintiff is entitled to recover, you cannot return a verdict under Count Two of the complaint in favor of the plaintiff and against the defendant.

Refused
Jeffrey J. Maslbaum
Judge

DEFENDANT OTIS HENRY EDGE'S REQUESTED CHARGE NO. 8

The Court charges the jury that the burden is on the plaintiff to reasonably satisfy the jury as to the proof of each and every material allegation of her complaint, and if she has not discharged that burden to the reasonable satisfaction of every member of the jury, the jury cannot return a verdict in favor of the plaintiff.

Refused
Jeffrey A. Mandelbaum
Judge.

DEFENDANT OTIS HENRY EDGE'S REQUESTED CHARGE NO. 11

The Court charges the jury under Count Two of the plaintiff's complaint, that if the defendant, Otis Henry Edge's automobile was discoverable in time to avoid the accident by exercise of reasonable care on the part of the plaintiff, Mary V. Chestnut, and Mary V. Chestnut's injuries and damages were the proximate result of her failure to perform her duty in this respect, then I charge you that Mary V. Chestnut was herself guilty of negligence and hence she cannot recover in this case.

Refused
Jeffrey G. Madlison
Judge

DEFENDANT OTIS HENRY EDGE'S REQUESTED CHARGE NO. 13

The Court charges the jury that if you are reasonably satisfied from all the evidence in this case that on the occasion complained of the plaintiff, Mary V. Chestnut, was injured and damaged as a proximate consequence of her own negligence in the operation of her motor vehicle, then your verdict must be for the defendant, Otis Henry Edge.

*Refused;
Sergeant, master
judge*

DEFENDANT OTIS HENRY EDGE'S REQUESTED CHARGE NO. 14

I charge you members of the jury under Count Two of the plaintiff's complaint that wantonness consists of the conscious doing of some act or omission of some duty which knowledge of existing conditions and while conscious that from the doing of such act or the omission of such duty, injury will likely or probably result and before one can be said to be guilty of wanton conduct it must be shown to your reasonable satisfaction from the evidence in the case that the defendant with reckless indifference to the consequences consciously and intentionally did some wrongful act or omitted some known duty which proximately caused the injuries and damages complained of by the plaintiff.

Refused
Jeferson J. Mansfield
Judge.

DEFENDANT OTIS HENRY EDGE'S REQUESTED CHARGE NO. 5

The Court charges the jury under Count Two of the plaintiff's complaint that if you are not reasonably satisfied from the evidence in this case that the defendant was consciously doing some act or omitting some duty with knowledge of existing conditions and while conscious that from the doing of such act or the omission of such duty injury would likely or probably result and if you are not reasonably satisfied from the evidence in this case that the defendant with reckless indifference to the consequences consciously and intentionally did some wrongful act or omitted some known duty which proximately produced the injuries and damages the plaintiff complains of, then you cannot find in favor of the plaintiff and against the defendant.

Refused
Frederic J. Masselstein
Judge

DEFENDANT OTIS HENRY EDGE'S REQUESTED CHARGE NO. 16

I charge you members of the jury under Count Two of the plaintiff's complaint that wantonness consists of the conscious doing of some act or omission of some duty which knowledge of existing conditions and while conscious that from the doing of such act or the omission of such duty, injury will likely or probably result and before one can be said to be guilty of wanton conduct it must be shown to your reasonable satisfaction from the evidence in the case that the defendant with reckless indifference to the consequences consciously and intentionally did some wrongful act or omitted some known duty which proximately caused the injuries and damages complained of by the plaintiff.

Refused
Jeffrey Washburn
Judge

DEFENDANT OTIS HENRY EDGE'S REQUESTED CHARGE NO. 17

The Court charges the jury under Count Two of the plaintiff's complaint that if you are not reasonably satisfied from the evidence in this case that the defendant was consciously doing some act or omitting some duty with knowledge of existing conditions and while conscious that from the doing of such act or the omission of such duty injury would likely or probably result and if you are not reasonably satisfied from the evidence in this case that the defendant with reckless indifference to the consequences consciously and intentionally did some wrongful act or omitted some known duty which proximately produced the injuries and damages the plaintiff complains of, then you cannot find in favor of the plaintiff and against the defendant.

Refused
Samuel J. MacLennan
Judge

PLAINTIFF'S REQUESTED JURY CHARGE 3

A person under sudden excitement of peril is required to exercise only such care for his safety as an ordinarily prudent man would have exercised under the circumstances, and, if he exercised such degree of care, in that case he is not guilty of contributory negligence.

Refused
J. J. G. Marshall
Judge.

PLAINTIFF'S REQUESTED JURY CHARGE 4

If you the jury reasonably be satisfied from the evidence that the Plaintiff is entitled to recover, then, in arriving at a verdict it is the duty of the jury to consider whether or not Plaintiff suffered mental and physical pain on account of the injury to her back, and whether or not she was rendered a cripple for life; and if the jury are reasonably satisfied from the evidence that, as a proximate result of her injury to her back, she did suffer mental and physical pain, and was rendered a cripple for life, it is the duty of the jury to find for the Plaintiff, and to render such a verdict as the jury find to be sufficient to compensate the Plaintiff for pain and suffering and her crippled condition.

Refused
Jessie J. Mable
Judge