

McGhee etc. v. Ferguson
Civil Action No. 12,155

DEFENDANT CHARGE NO. 1

The Court charges the jury that contributory negligence, on the part of David Gary McGhee, if any, would be an absolute bar to the right of Beulah M. McGhee, as Administratrix of the Estate of David Gary McGhee, deceased, to recover for his death ~~for~~ *for simple negligence*

*Refused,
J. G. Maclean
Judge.*

McGhee etc. v. Ferguson
Civil Action No. 12,155

DEFENDANT CHARGE NO. 2

The Court charges the jury that if you are reasonably satisfied from the evidence in this case that David Gary McGhee was guilty of any negligence which proximately contributed to the accident and to his death, then you could not award the plaintiff any damages for the death of David Gary McGhee, even though Thomas A. Ferguson might have been guilty of some negligence.

Jury
John J. Madigan
Judge

McGhee etc. v. Ferguson
Civil Action No. 12,155

DEFENDANT CHARGE NO. 3

The Court charges the jury that negligence is the doing of some act which a reasonable and prudent person would not have done under the same or similar circumstances, or it is the failure to do an act which a reasonable and prudent person would have done under the same or similar circumstances. This is the test by which you must judge the conduct of Thomas A. Ferguson at the time and place of the accident made the basis of this suit. If you are reasonably satisfied that Thomas A. Ferguson acted as would a reasonable and prudent person under those circumstances then and there existing, then he was guilty of no negligence and you could not return a verdict in favor of the plaintiff and against the defendant *for negligence.*

Given
J. Fair J. Madlbum
Judge

McGhee etc. v. Ferguson
Civil Action No. 12,155

DEFENDANT CHARGE NO. 4

The Court charges the jury that the mere fact that an accident happens and that someone is injured or is killed does not in and of itself mean that the accident was caused by someone's negligence.

Given
Jeffery J. Markham
Judge

McGhee etc. v. Ferguson
Civil Action No. 12,155

DEFENDANT CHARGE NO. 5

The Court charges the jury that if a person, without fault of his own, is faced with a sudden emergency, he is not to be held to the same correctness of judgment and action as if he had time and opportunity to fully consider the situation, and the fact, if it be a fact, that he does not choose the best or safest way of escaping peril or preventing injury is not necessarily negligence, but the standard of care required in an emergency situation is that care which a reasonably prudent person would have exercised under the same or similar circumstances.

Given
Jeffrey G. Maslowski
Judge