

Hartford vs. Michael Nelson Ponder, Civil Action No. 12,824
Michael Nelson Ponder vs. Linda C. Verhoestra, Civil Action No. 12,903

Verhoestra and Hartford's Requested Charge No. 1

The court charges the jury that the mere fact that an accident occurred and injury resulted therefrom is not, in and of itself, sufficient to predicate liability on the part of Linda Verhoestra in this case.

*Given
Jury. mediation
Judge.*

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Verhoestra and Hartford's Requested Charge No. 3

I charge you, members of the jury, that a duty rested on Michael Ponder to exercise ordinary and reasonable care under the circumstances for the protection of his own welfare, health and safety, which duty, if violated, would constitute negligence on his part and, if proximately contributing to his alleged injury, even in the slightest degree, would bar his right of recovery in this case.

*Given
Superior J. Madison
Judge*

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Verhoestra and Hartford's Requested Charge No. 5

I charge you, members of the jury, that Linda Verhoestra had a right to assume that Michael Ponder would obey the law; and that she had a right to proceed on such assumption until the contrary was clearly evident to her or by the exercise of reasonable care should have been clearly evident to her.

*Given
Jeffery M. ...
Judge*

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Verhoestra and Hartford's Requested Charge No. 7

Linda Verhoestra, who was operating her motor vehicle on a public highway, had a right to assume that Michael Ponder, who was also using the highways or streets, would obey the law and Rules of the Road relating to such use; and she had a right to proceed on such assumption until the contrary was clearly evident to her or by the exercise of reasonable care should have been clearly evident to her.

Given
Jefair J. Washburn
Judge

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Verhoestra and Hartford's Requested Charge No. 9

If you are reasonably satisfied from the evidence that Michael Ponder was guilty of negligence, and that such negligence proximately contributed to the accident, injuries and damages complained of, Michael Ponder cannot recover for any initial simple negligence on the part of Linda Verhoestra.

Revised
J. J. A. M. M. M.
Judge

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Verhoestra and Hartford's Requested Charge No. 11

I charge you, members of the jury, that you are to perform your duties of deciding the issues and disputes of fact in this case without bias or prejudice as to any party. The law does not permit jurors to be governed by sympathy or prejudice. Although you are the sole judges of the facts, you are duty bound to follow the law as given by the instructions of the court and to apply that law to the facts as you find them from the evidence before you and from that evidence alone.

*Given
I am a member
Judge*

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Verhoestra and Hartford's Requested Charge No. 14

The court charges the jury that with regard to Michael Ponder's suit against Linda Verhoestra, the burden of proof is not upon Linda Verhoestra to acquit herself of negligence, but on Michael Ponder to prove to your reasonable satisfaction from the evidence that Linda Verhoestra did some act or omitted doing some act which an ordinarily prudent person would or would not have done under the same or similar circumstances, which act or omission proximately caused the accident, and unless Michael Ponder has met this burden, then your verdict must be for Linda Verhoestra.

Given
James J. Malheur
Judge

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Verhoestra and Hartford's Requested Charge No. 15

I charge you, members of the jury, with respect to Michael Ponder's suit against Linda Verhoestra, that if you have to resort to speculation, conjecture or surmise as to the proximate cause of this accident, then Michael Ponder has failed to meet the burden of proof assumed by the bringing of this action and your verdict should be for Linda Verhoestra.

*Refused
Judge J. Madison
Judge*

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Verhoestra and Hartford's Requested Charge No. 16

I charge you, members of the jury, that Michael Ponder
is not entitled to recover any sum for lost wages.

~~Refused~~
J. J. W.

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Verhoestra and Hartford's Requested Charge No. 18

The court charges the jury, that with respect to Michael Ponder's suit against Linda Verhoestra, under the Alabama law, contributory negligence, or negligence on the part of Michael Ponder, is a complete defense to Michael Ponder's right of recovery for simple initial negligence, and if you are reasonably satisfied from all of the evidence in this case that Michael Ponder was guilty of negligence and that this negligence proximately contributed to the accident, injuries and damages of which complaint is made, then Michael Ponder may not recover.

J. J. Masbura
Judge -

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Verhoestra and Hartford's Requested Charge No. 23

The court charges the jury that if you are reasonably satisfied from all of the evidence in this case that both Michael Ponder and Linda Verhoestra failed to operate their respective vehicles with reasonable care on the occasion complained of and that each was a proximate contributing cause of the accident and Michael Ponder's injuries and damages, and that Linda Verhoestra did not actually see Michael Ponder in a position of peril in time to have avoided the accident, then you may not return a verdict in favor of Michael Ponder.

Referred
Jeffrey J. Washburn
Judge

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Verhoestra and Hartford's Requested Charge No. 27

I charge you, members of the jury, that Title 36,
Section 5 of the Code of Alabama, as last amended, provides,
in pertinent part, as follows:

"Any person driving a vehicle on a highway shall drive the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the highway and of any other conditions then existing and no person shall drive any vehicle upon a highway at such speed as to endanger the life, limb, or property of any person."

I further charge you, members of the jury, that if you are reasonably satisfied from all of the evidence in this case, that Michael Ponder violated this Section of the Code of Alabama and that such violation proximately contributed to the accident, injuries and damages complained of, then you may not return a verdict in favor of Michael Ponder.

W. J. Madison
W. J. Madison
Judge

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Verhoestra and Hartford's Requested Charge No. 28

I charge you, members of the jury, that Title 36, Section 5
of the Code of Alabama, as last amended, provides, in pertinent
part, as follows:

"It shall be unlawful for any person . . . who
is intoxicated to drive a motor vehicle upon any
highway of this state."

I further charge you, members of the jury, that if you
are reasonably satisfied from all of the evidence in this
case that Michael Ponder violated this Section of the Code
of Alabama and that such violation proximately contributed
to the accident, injuries and damages complained of, then
you may not return a verdict in favor of Michael Ponder.

Sven
Jasper J. Marshall
Judge