



The Defendants' Requested Charge Number 3

The Court charges you, members of the jury, that this case is based upon an allegation of negligence and wanton misconduct by the Defendants Michael Grubb and Michael Heller. Negligence means the failure to exercise reasonable or ordinary care; that is, such care as a reasonably prudent person would have exercised under the same or similar circumstances. Therefore, negligence is the failure to do what a reasonably prudent person would have done under the same or similar circumstances, or, the doing of something which a reasonably prudent person would not have done under the same or similar circumstances.

*Refused,  
Jeffrey J. Mandelbaum  
Judge*

The Defendants' Requested Charge Number 4

The Court charges you, members of the jury, that the disputed question of facts to be decided by you in this case is the question of whether or not the Defendants were guilty of negligence. The burden is upon the Plaintiffs, Glen Grissom and Lillie Lewis, to reasonably satisfy you by the evidence of the truthfulness of the matters and things claimed by them before they would be entitled to recover. Therefore, if at the conclusion of the evidence, you are not reasonably satisfied that the Defendants, Michael Grubb and Michael Heller, were guilty of negligence, then the Plaintiffs would not be entitled to recover in these cases.

*Refused*  
*Jeffrey J. Madaleno*  
*Judge*