

PLAINTIFF'S REQUESTED CHARGE NUMBER 1

The Court charges the jury that if you find that, at the time Barbecue King, Inc., sold the Fry King Pressure Fryer involved in this case, the fryer was in a defective condition which rendered the fryer unreasonably dangerous to the ultimate user and that this condition was the proximate cause of the Plaintiff's injuries, then you should return a verdict for Patricia Herrington.

Given

Refused X W E / 107

PLAINTIFF'S REQUESTED CHARGE NUMBER 2

The Court charges the jury that in determining whether the Fry King Pressure Fryer involved in this case was unreasonably dangerous to the ultimate user, you may assume that, at the time Barbecue King, Inc. sold the fryer, Barbecue King, Inc. knew of any dangerous condition then existing in the fryer and then you may ask whether Barbecue King, Inc. was negligent in selling the fryer with knowledge of the dangerous condition.

Given _____?

Refused *W. H. King*

PLAINTIFF'S REQUESTED CHARGE NUMBER 3

The Court charges the jury that if you find that at the time Barbecue King, Inc. sold the Fry King Pressure Fryer involved in this case the fryer was unreasonably dangerous to the ultimate user then the Court charges the jury that the fryer was defective.

Given X

Refused X

W. L. Hay

PLAINTIFF'S REQUESTED CHARGE NUMBER 4

The Court charges the jury that if you find that at the time Barbecue King, Inc. sold the Fry King Pressure Fryer involved in this case, the fryer was in a defective condition which rendered the fryer unreasonably dangerous to the ultimate user but you also find that an additional cause also contributed to the injuries suffered by Patricia Herrington, then you must determine which cause is the nearest cause or proximate cause of those injuries and assess liability accordingly.

Given _____ Refused *W. C. Hay*

PLAINTIFF'S REQUESTED CHARGE NUMBER 5

The Court charges the jury that in a case like this one it is no defense that Barbecue King, Inc. exercised all possible care in the manufacture and sale of the Fry King Pressure Fryer.

Given _____

Refused X

A handwritten signature in black ink, appearing to read "W. H. King", is written over the "Refused" line.

DEFENDANT'S REQUESTED CHARGE NUMBERED 1

The Court charges the jury that a defect is that which renders a product unreasonably dangerous, that is, not fit for its intended purpose. The important factor is whether it is safe or dangerous when the product is used as it was intended to be used.

Given
W. H. Hays

DEFENDANT'S REQUESTED CHARGE NUMBERED 2

The Court charges the jury that a defect is that which renders a product unreasonably dangerous, that is, not fit for its intended purpose. The important factor is whether it is safe or dangerous when the product is used as it is intended to be used.

The Court further charges the jury that if you find that you are reasonably satisfied from the evidence in this case that the Plaintiff was not using the product as it was intended to be used, and that the injuries of the Plaintiff were proximately caused by her failure to use the product as it was intended to be used, then in such event, you cannot return a verdict for the Plaintiff.

Given
W. H. H.

DEFENDANT'S REQUESTED CHARGE NUMBERED 3

The Court charges the jury a condition is unreasonably dangerous so as to constitute a defective condition when it is so dangerous that a reasonable man would not sell the product if he knew of the risks involved. To put it another way, a product is unreasonably dangerous if it is dangerous to an extent beyond which would be contemplated by the ordinary consumer who uses it with the ordinary knowledge common to the community as to its characteristics.

Given
W. L. Hays

DEFENDANT'S REQUESTED CHARGE NUMBERED 4

I charge you, members of the jury, that the mere fact that an accident occurred, standing alone, does not permit the jury to draw the inference that the accident was caused by a defect of any kind in the cooker on that occasion.

Green
W. H. King -

DEFENDANT'S REQUESTED CHARGE NUMBERED 5

The Court charges the jury that you cannot base a verdict against the Defendant, Barbecue King, Inc., on evidence which rest purely in speculation, conjecture or surmise.

Given
W. H. King

DEFENDANT'S REQUESTED CHARGE NUMBERED 7

I charge you, members of the jury, that you may not return a verdict in favor of the plaintiff in this case based upon sympathy.

Green
W. H. Key

DEFENDANT'S REQUESTED CHARGE NUMBERED 8

I charge you, members of the jury, that the Defendant in this case, Barbecue King, Inc., is under no duty to design it's product so as to render it wholly incapable of producing an injury.

to
Refused
with King

DEFENDANT'S REQUESTED CHARGE NUMBERED: 1

The Court charges you that the term "nominal damages" means damages in name only and not in amount and are to be awarded where legal right is shown to have been violated but no actual damages have been proven to have been sustained by the complaining parties, and the Court further instructs the jury that if you are reasonably satisfied from the evidence in this case that the Merchants Bank committed fraud innocently and through mistake, but that you further find that the Feely Brothers suffered no actual damages as a proximate consequence of the legal fraud, then you will find for the Feely Brothers nominal damages by setting some trifling sum for such legal fraud when no serious loss is proven by such legal fraud.

DEFENDANT'S REQUESTED CHARGE NUMBERED: 2

The Court charges you that should you find from the evidence in this case that Feely Brothers are entitled to recover, said parties can recover only nominal damages as a matter of law, and I charge you that nominal damages in this case would be \$1.00 or other inconsiderate sum.

DEFENDANT'S REQUESTED CHARGE NUMBERED: 6

I charge you, members of the jury, that if you are reasonably satisfied from the evidence in this case on the occasion complained of in the plaintiff's second and third cause of action, the plaintiff was herself, guilty of negligence which proximately contributed to her own injuries and damages in that at said time and place she failed to exercise reasonable care for her own safety, then I charge you may not return a verdict in favor of the plaintiff and against the Defendant, Barbecue King, Inc., under plaintiff's Second and Third Cause of Action.

Given to
W. E. King

DEFENDANT'S REQUESTED CHARGE NUMBERED 10

I charge you, members of the jury, that a manufacturer has no duty to design a product which is accident proof or foolproof.

*R
Gwen
W. E. Hay*

DEFENDANT'S REQUESTED CHARGE NUMBERED 12

I charge you, members of the jury, that the Defendant, Barbecue King, Inc., in this case is not responsible for the actions of any company or person in maintaining, inspecting or using said cooker after it left the possession and control of the Defendant, Barbecue King, Inc.

Green
W. L. King

DEFENDANT'S REQUESTED CHARGE NUMBERED 13

The Court charges the jury that if it is reasonably satisfied from the evidence that the injuries complained of by Mrs. Feely were the sole proximate result of the failure of Barbara Creighton to properly fasten and lock the pressure cooker, then you cannot return a verdict for the Plaintiff.

6
GIVEN
WILSON