

PLAINTIFF'S INSTRUCTION NO. 3

In a civil action for damages where injury occurs as a proximate result of the failure to observe the rules of the road, such as the failure to yield the right-of-way to an authorized emergency vehicle, it is negligence per se. (Greer v. Marriot, 27 Ala. App. 108, 167 So. 597)

Given _____

Refused _____



Ray J. Walters
Judge

PLAINTIFF'S INSTRUCTION NO. 5

If you find that the plaintiffs were displaying a red light visible at 500 feet under normal atmospheric conditions and was sounding his siren and otherwise acted with due care for others, you must find for the plaintiffs. (Echols v. Vinson, 220 Ala. 229, 124 So. 510)

Given _____

Refused _____

PLAINTIFF'S INSTRUCTION NO. 7

If you find for the plaintiffs, you may consider the pain, suffering and mental anguish of Mrs. Fleming in arriving at the damages, as well as charges made by physicians and hospitals.

Given _____

Refused _____

A handwritten signature in cursive script, appearing to read "R. J. Wilbur". The signature is written over the "Refused" line and extends slightly to the left.

PLAINTIFF'S INSTRUCTION NO. 8

If you find for the plaintiffs, you may consider the period of time
Mr. Fleming was without the services of his wife in arriving at damages.

Given _____

Refused _____


Judge

PLAINTIFF'S INSTRUCTION NO. 6

If one vehicle has the right-of-way over others, the person operating the vehicle having the right-of-way has a duty only to make a reasonable effort to avoid colliding with the vehicle failing to yield the right-of-way.

(Grambling v. Davis, 32 Ala. App. 298, 25 So. 2d 393)

Given _____

Refused ✓

[Handwritten Signature]
Judge

PLAINTIFF'S INSTRUCTION NO. 1

At the time of the accident, the plaintiff, Virgil E. Fleming was operating an "authorized emergency vehicle." (Title 36, Section 1(1) Code of Alabama)

Given _____

Refused _____



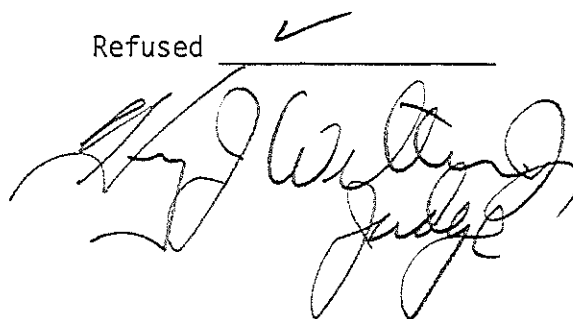
A handwritten signature in cursive script, appearing to read "W. J. [unclear] Judge", written over a horizontal line.

PLAINTIFF'S INSTRUCTION NO. 2

The driver of a vehicle upon a public highway is required to yield the right-of-way to authorized emergency vehicles, such as ambulances, when the emergency vehicle is exhibiting a red light visible under normal atmospheric conditions from a distance of 500 feet and when such vehicle is giving an audible signal by siren and other electronic device. (Title 36, Section 19(b), Code of Alabama)

Given _____

Refused _____

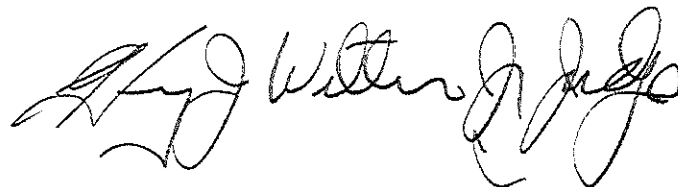

Judge

PLAINTIFF'S INSTRUCTION NO. 4

Ambulances are exempt from the general regulatory rules as to speed limitations when they are travelling in emergencies. (Title 36, Section 8, Code of Alabama)

Given _____

Refused _____ ✓

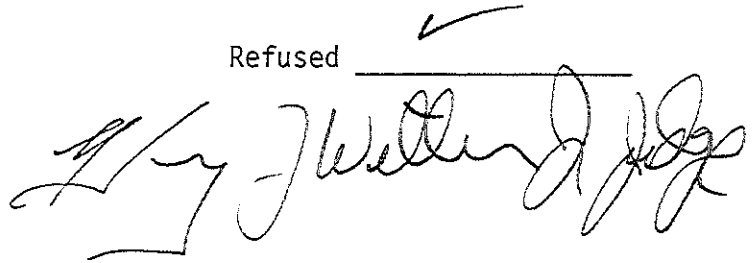
A handwritten signature in cursive script, appearing to read "L. J. Williams, Judge".

PLAINTIFF'S INSTRUCTION NO. 9

If you find for the plaintiffs, you may consider the period of time Mr. Fleming was without the services of his ambulance, as well as the actual cost of repairing the ambulance.

Given _____

Refused _____

A handwritten signature in cursive script, appearing to read "L. J. Waterhouse". The signature is written over the "Refused" line and extends slightly to the left.

DEFENDANT'S REQUESTED CHARGE NO. 1

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 REASONABLE PRUDENT PERSON WOULD HAVE EXERCISED UNDER THE SAME OR SIMILAR CIRCUMSTANCES.

GIVEN _____

REFUSED



CIRCUIT JUDGE

DEFENDANT'S REQUESTED CHARGE NO. 2

THE COURT CHARGES YOU THAT WHERE A PERSON IS EXPOSED SUDDENLY TO A DANGEROUS CONDITION UNDER WHICH THE DANGER MUST BE MET, HE IS NOT NECESSARILY GUILTY OF NEGLIGENCE BECAUSE HE DOES NOT EXERCISE THE BEST JUDGMENT, OR TAKE THE BEST MEASURES FOR HIS OWN SAFETY, BUT UNDER THE STRESS OF DANGER OR SUDDEN PERIL, AND UNDER SUCH EMERGENCY, THE PERSON SO SUDDENLY CONFRONTED BY SUCH CONDITION MUST CONDUCT HIMSELF AS A REASONABLE PRUDENT PERSON WOULD DO IF PRESSED INTO SAME OR LIKE CIRCUMSTANCES.

GIVEN _____ REFUSED



CIRCUIT JUDGE

DEFENDANT'S REQUESTED CHARGE NO. 3

THE COURT CHARGES YOU THAT WHEN A PERSON IS SUDDENLY PLACED IN A POSITION OF EXTREME AND EMINENT PERIL, NECESSITATING HIS QUICK DECISION AND ACTION, HE WILL NOT BE HELD TO THE SAME CORRECTNESS OF JUDGMENT AND ACTION IF HE HAD TIME AND OPPORTUNITY TO FULLY CONSIDER THE SITUATION AND TO CHOOSE THE BEST MEANS OF ESCAPING THE PERIL.

GIVEN _____ REFUSED



CIRCUIT JUDGE