

Plaintiff's Charge No. 14

The Court charges the jury that there is no yardstick by which you can measure pain and suffering that an individual incurs as a result of an injury but the law states that it is your responsibility to use your good common sense and experiences of life in fixing the damages for pain and suffering if you so find from the evidence and the law that the plaintiff is entitled to recover for such.

Grove

W. H. [Signature]

Ford v. Grand Hotel
Civil Action No. 14,344

DEFENDANT CHARGE NO. 5

The Court charges the jury that the plaintiff in this case has the burden of proving that the defendant was guilty of negligence as charged, and the plaintiff has the further burden of proving that such negligence, if any, was the proximate cause of the plaintiff's accident and injury. The proximate cause of an injury is that cause which, in the natural and probable sequence of events, and without the intervention of any new or independent cause, produces the injury and without which such injury would not have occurred.

Given
W. T. H.

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DEFENDANT CHARGE NO. 6

The Court charges the jury that the defendant in this cause has pleaded that the plaintiff himself was guilty of contributory negligence. Contributory negligence is negligence on the part of the plaintiff that proximately contributed to the alleged accident and injury, and if you are reasonably satisfied from the evidence in this case that the plaintiff himself was guilty of contributory negligence, then the plaintiff cannot recover for any simple, initial negligence on the part of the defendant.

Guie

Wm 107 _____

Plaintiff's Charge No. 13

The Court charges the jury that after considering the evidence and the law in this case you find that the plaintiff is entitled to recover, then it is your duty to assess the damages that you find to have been the direct and proximate result of the plaintiff's injury.

Given
W. C. [Signature]

Plaintiff's Charge No. 12

The Court charges the jury that if you find from the evidence that the plaintiff is entitled to recover, he is entitled to recover for the pain and suffering and any and all loss of income that he has incurred as a result of the injury and also, any medical expenses that have been incurred as a result of the injury.

Guise

W. H. H. H.

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DEFENDANT CHARGE NO. 3

The Court charges the jury that in order to prove negligence on the part of the defendant in this case the plaintiff has the burden of proving to the reasonable satisfaction of this jury that there was a foreign substance on the floor on which the plaintiff slipped and fell, and that such foreign substance had been on the floor a sufficient length of time to impute constructive notice to the defendant or the plaintiff has the burden of proving that the defendant had actual notice of the presence of the foreign substance and had been negligent in not removing it. In order to determine the length of time the foreign substance had been on the floor, you are not permitted to resort to speculation, conjecture or surmise. The plaintiff assumes the burden of proving to your reasonable satisfaction that the foreign substance had been there a sufficient length of time to impute constructive notice to the defendant and this must be proven from the evidence presented in this case.

Guiver
W. H. H.

Plaintiff's Charge No. 11

The Court charges the jury that the plaintiff has claimed in his complaint the loss of income from his employment that resulted from the injury he sustained in this accident. If you find the plaintiff is entitled to recover based on the evidence and the law as given to you by the Court, you have a right to consider the time that he lost from his employment and compensate him according to the evidence and the law.

Cover
W. H. Hay

Plaintiff's Charge No. 10

The Court charges the jury that if you find from the evidence and the law the Court has given you that the plaintiff is entitled to recover, in addition to the recovery for pain and suffering he is also entitled to recover for any loss of salary or wages or income that he has lost or been deprived of as a result of his injury.

Cover

W. H. G.

Plaintiff's Charge No. 9

The Court charges the jury that if you find that the plaintiff is entitled to recover you are to consider what damages that he has incurred as a result of the accident. You are to consider what pain and suffering that he incurred and any out-of-pocket expenses that he has incurred as a direct and proximate result of the injury sustained.

Given
W. C. W. J.

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DEFENDANT CHARGE NO. 2

The Court charges the jury that no owner or occupant of premises such as the Grand Hotel in this case is an insurer of the safety of persons rightfully or lawfully on its premises.

Cowie

W. H. G.

Plaintiff's Charge No. 7

The Court charges the jury that when the defendant is named as a person in the Court's charges, this means an agent, servant or employee of the defendant while acting within the line and scope of his employment.

Cover

W. H. H. —

Plaintiff's Charge No. 2

The Court charges the jury that where the dangerous condition is a foreign substance that has been negligently placed on the floor of the premises, the invitor may be negligent by failing to remove the substance after he or his agent, servant or employee actually knows of its presence.

Grier
W. R. Grier

Plaintiff's Charge No. 6

The Court charges the jury that after considering all the evidence you are reasonably satisfied that there was a foreign substance on the floor that was the proximate ^{cause} result of the plaintiff's fall and injury and the foreign substance constituted a dangerous condition and that the defendant had constructive or actual knowledge of the condition, the plaintiff is entitled to recover.

Carrie

W. H. [Signature]

Plaintiff's Charge No. 1

The Court charges the jury that where the dangerous condition is a foreign substance that has been negligently placed on the floor of the premises, the invitor may be negligent by placing the substance there himself or having such done by an agent, servant or employee while acting within the line and scope of his or her employment.

Given
W. H. G.

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DEFENDANT CHARGE NO. 1

The Court charges the jury that an invitee is a person who enters and remains upon the premises of another at the express or implied invitation of the owner or occupant and for a purpose in which the owner or occupant of the premise has a beneficial interest. The owner or occupant of premises owes a duty to an invitee only to be reasonably sure that he is not inviting him into danger and to exercise ordinary care to render and keep the premises in a reasonably safe condition.

If you are reasonably satisfied from the evidence in this case that the plaintiff was an invitee, then the defendant owed him the duty to exercise reasonable care to see that the premises were kept in a reasonably safe condition. If the defendant has discharged this duty and has exercised reasonable care, then you could not return a verdict in favor of the plaintiff.

Green
W. H. H.

The court charges the jury
that as a matter of fact
the Plaintiff was an invitee
~~on~~ the floor of the Defendant's
at the time and place of
the accident.

Plaintiff's charge A.

~~Filed~~ after ~~condemni~~
~~of charge~~
WLL

Filed 1-20-78
Ernie B. Blackman, Clerk