

DEFENDANT'S REQUESTED CHARGE NO. 1

The Court charges the jury that the burden is on the Plaintiff, to reasonably satisfy the jury as to the proof of every material allegation of her complaint, and if she has not discharged that burden to the reasonable satisfaction of every member of the jury, the jury cannot return a verdict in favor of the Plaintiff.

Cerier

W. H. Hay

DEFENDANT'S REQUESTED CHARGE NO. 2

The Court charges the jury that the burden of proof is on the Plaintiff to prove by the evidence in this case, to your reasonable satisfaction, every material allegation of her complaint, and if she has not so reasonably satisfied you by the evidence, then you must find a verdict for the Defendant, Daniel Pat Holden, Jr.

Conceded

W. L. Hay

DEFENDANT'S REQUESTED CHARGE NO. 3

The Court charges the jury that you cannot find a verdict for the Plaintiff based purely on speculation and conjecture.

Griner

W. C. Hays

DEFENDANT'S REQUESTED CHARGE NO. 4

The Court charges the jury that a showing of an
unfortunate result does not in and of itself raise an
inference of negligence.

Horton v. Mobile Cab and Baggage Company, 281 Ala.
35 198 So. 619 (1967)

withdrawn
att'y for defendt
W. K. May -

DEFENDANT'S REQUESTED CHARGE NO. 5

The Court charges the jury that proof of an injury
does not in itself prove negligence.

Withdrawn by
att'y for defendant
W. V. King

DEFENDANT'S REQUESTED CHARGE NO. 6

The Court charges the jury that negligence means the failure to exercise reasonable 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 reasonable prudent person would have done under the same or similar circumstances, or, the doing of something which a reasonable prudent person would not have done under the same or similar circumstances.

APJI 28.01

Grier
W. H. King

DEFENDANT'S REQUESTED CHARGE NO. 7

The Court charges the jury that contributory negligence is negligence on the part of the Plaintiff that proximately contributed to the alleged injury.

APJI 30.00

Conner,
W. H. Hays

DEFENDANT'S REQUESTED CHARGE NO. 8

The Court charges the jury that the proximate cause of an injury is that cause which is the natural and probably sequence of events, and without the intervention of any new or independent cause, produces the injury and without which said injury would not have occurred.

APJI 33.00

Review

W. H. Hay

DEFENDANT'S REQUESTED CHARGE NO. 9

The Court charges the jury that wantonness is the conscious doing of some act or omission of some duty under knowledge of existing conditions and conscious that from the doing of such act or omission of such duty or injury will likely or probably result. Before a party can be said to be guilty of wanton conduct it must be shown that with reckless indifference to the consequences he either consciously and intentionally did some wrongful act or consciously omitted some known duty which produced the injury.

APJI 29.00

Crier,
W. H. Hays

DEFENDANT'S REQUESTED CHARGE NO. 11

The Court charges the jury that the Plaintiff cannot recover any damages from the Defendant for any consequences of her injury which have not been proven to your reasonable satisfaction to be reasonably likely to occur or to be a medical probability to occur in the future.

Given

W. R. Hay

DEFENDANT'S REQUESTED CHARGE NO. 13

The Court charges the jury that if you are reasonably satisfied from the evidence that the Plaintiff, Aline Makin, was guilty of contributory negligence, the Plaintiff cannot recover for any simple negligence of the Defendant, Daniel Pat Holden, Jr.

APJI 30.02

Guier

Will Henry

DEFENDANT'S REQUESTED CHARGE NO. 14

The Court charges the jury that it is the law of this State that "no person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manor provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

Any stop or turn signal when required herein shall be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device of any type. . ."

Rules of the Road, Title 36, Section 17 (d) (e)

*Withdrawn by
attorney for defendant
W. L. V. J.*

DEFENDANT'S JURY CHARGE NO. 16

I charge you, gentlemen of the jury, that if you are reasonably satisfied from all the evidence in this case that the damages complained of were the results of an unavoidable accident, then you cannot find for the plaintiff.

Given

Will Hay

GIVEN _____

REFUSED _____

DEFENDANT'S REQUESTED CHARGE NO. 10

I charge you, the members of the jury, that a person is not entitled to recover for the future effects or consequences of an alleged injury upon a mere conjecture or possibility that said future effects or consequences may occur.

*Withdrawn by attorney
for Defendant.*

W L Hay

DEFENDANT'S REQUESTED CHARGE NO. 12

I charge you, the members of the jury, that you cannot
award the Plaintiff any damages for attorneys' fees.

*Refused
W. H. King*

DEFENDANT'S REQUESTED CHARGE NO. 15

The Court charges the jury that if you are reasonably satisfied from the evidence in this case that the Plaintiff, Aline Makin, was guilty of negligence in stopping or suddenly decreasing the speed of her car and if you are further satisfied that this negligence proximately contributed to her alleged injuries, then the Plaintiff, Aline Makin, cannot recover for simple negligence of the Defendant, Daniel Pat Holden, Jr.

Horace v. Van Blaricon, 291 Ala.
530 283 So.2d 421 (1973)

Withdrawn by
reg for proposed
withdrawing -