

Williams
vs
Fred Sensy

14,346
14,347

PLAINTIFF'S REQUESTED CHARGE NUMBER 1

The Court charges the jury that the Plaintiff, Thomas Williams, in Count Three of his Complaint against the Defendant, has charged the Defendant with wanton misconduct. I further charge you that if you are reasonably satisfied from all of the evidence in this case that such Defendant is guilty of wanton misconduct as charged, then you are authorized to award the Plaintiff punitive damages. Punitive damages are damages over and above such sum as will compensate the Plaintiff for his actual loss, the imposition of which the law permits in proper cases at the discretion of the jury, not because the party injured is entitled to them as a matter of right, but as a punishment to the wrongdoer and to deter him and others in the same business from such wrongdoings in the future.

Given X

Refused _____

W. H. Key
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PLAINTIFF'S REQUESTED CHARGE NUMBER 2

The Court charges the jury that Thomas M. Williams in Count Three of his Complaint against the Defendant has charged the Defendant with wanton misconduct. I further charge you that if you are reasonably satisfied from the evidence in this case that the Defendant is guilty of wanton misconduct which was the proximate cause of the Plaintiff's injuries, then you may award the Plaintiff compensatory damages in such amount as you determine to be the difference between the reasonable market value of the property damaged before and after the injury and in addition thereto, you may, in your discretion, award punitive damages to the Plaintiff in such sum as you, in your sole discretion, feel are necessary as a punishment to the Defendant and to deter him and others similarly situated from such wrongdoings in the future.

Given X

Refused _____

PLAINTIFF'S REQUESTED CHARGE NUMBER 3

The Court charges the jury that the Plaintiff, Thomas M. Williams under Count One of his Complaint has charged the Defendant with assault and battery. I further charge you that in the event that you are reasonably satisfied from all of the evidence in this case that the Defendant is guilty of assault and battery as charged, then if you are reasonably satisfied from the evidence that the Defendant's actions in committing the assault and battery were wanton, malicious, or attended with circumstances of aggravation, then you may award the Plaintiff punitive damages in addition to any actual or compensatory damages that you may find to exist under Count One of his Complaint.

Given ✓

Refused

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PLAINTIFF'S REQUESTED CHARGE NUMBER 4

The Court charges the jury that punitive damages are allowable for a wrong maliciously perpetrated or where the wrongful act is done knowingly, wantonly and recklessly, under such circumstances as indicate that the wrongdoer knew that the act would probably injure persons or property.

Given X

Refused

PLAINTIFF'S REQUESTED CHARGE NUMBER

5

The Court charges the jury that punitive damages are imposed in proper cases on the theory of punishment for the general benefit of society and as a restraint on the transgressor.

Given

Refused

PLAINTIFF'S REQUESTED CHARGE NUMBER

6

The Court charges the jury that if you are reasonably satisfied from the evidence in this case that the Defendant, Fred Lenz, willfully drove a motor vehicle into the motor vehicle of the Plaintiff, Thomas Williams, and that as a proximate result thereof, the motor vehicle of Thomas Williams was damaged, then you should assess the amount of damage to such Plaintiff's vehicle as the difference in value of the vehicle immediately before the accident and immediately after the accident before repairs are made.

Given X

Refused

PLAINTIFF'S REQUESTED CHARGE NUMBER

7

The Court charges the jury that the measure of damages for injury to personal property is the difference in the reasonable market value of the property immediately before the injury and the difference in the reasonable market value of the property immediately after the injury and before any repairs are made and in arriving at this amount, you are entitled to consider as evidence bearing on this question the amount of necessary repairs to the property as a result of the injury.

Given

Refused

PLAINTIFF'S REQUESTED CHARGE NUMBER

8

The Court charges the jury that the measure of damages for injury to personal property is the difference in the reasonable market value of such property immediately before and after the injury to the property.

Given

X

Refused

DEFENDANT'S REQUESTED CHARGE 1

The court charges the jury that you cannot find the defendant guilty of wanton conduct unless you believe that he was conscious of his conduct, and knew that injury would likely result therefrom, and was recklessly indifferent to the consequences.

GIVEN: X

REFUSED: _____

DEFENDANT'S REQUESTED CHARGE 2

The court charges the jury that the plaintiff must prove his case by a preponderance of the evidence in order to recover a judgement against the defendant.

GIVEN: X

REFUSED: _____

DEFENDANT'S REQUESTED CHARGE 4

The court charges the jury that if you believe plaintiff sustained injuries as a result of defendant's simple negligence then you should return a verdict for defendant with respect to Count 3 of plaintiff's complaint.

GIVEN: X

REFUSED: _____

DEFENDANT'S REQUESTED CHARGE 3

The court charged the jury that any abusive words that the plaintiff may have used directed to the defendant at or near the time of the alleged assault and battery may be considered an extenuation or mitigation of plaintiff's claim for assault and battery.

GIVEN: X

REFUSED: X

W. L. Hay

DEFENDANT'S REQUESTED CHARGE 5

The court charges the jury that if the plaintiff sustained damages and injuries as a proximate result of a ^{more} ~~near~~ accident, your verdict should be returned for the defendant with respect to Count 3 of plaintiff's complaint.

GIVEN: X

REFUSED: X

W. L. H. G.

DEFENDANT'S REQUESTED CHARGE

6

The court charges the jury that you cannot return a verdict in favor of the plaintiff on count 3 of plaintiff's complaint charging defendant with wantonly causing or allowing a motor vehicle to collide with a motor vehicle occupied by the plaintiff if you believe the defendant has proved that plaintiff's alleged property damages and personal injuries were caused by the plaintiff's own actions or conduct in driving his vehicle.

GIVEN: X

REFUSED: _____

DEFENDANT'S REQUESTED CHARGE 2

The court charges the jury that the plaintiff cannot recover any damages against the defendant for wantonly causing or allowing his motor vehicle to collide with a motor vehicle occupied by the plaintiff unless you believe the plaintiff has proved that defendant was conscious of his own conduct, and knew that injury would likely result therefrom, and was recklessly indifferent to the consequences.

GIVEN: X

REFUSED: _____