

102.10 NEGLIGENCE ISSUE - BURDEN OF PROOF.

This (*state number*) issue reads:

"Was the plaintiff [injured] [damaged] by the negligence of the defendant?"¹

On this issue the burden of proof is on the plaintiff. This means that the plaintiff must prove, by the greater weight of the evidence, that the defendant was negligent and that such negligence was a proximate cause of the plaintiff's [injury] [damage].

1. If a separate issue of agency is being submitted, the agent's name should replace that of the defendant in the issue as stated above. In such case, subsequent instructions on this issue should be varied accordingly. Also, of course, if there are several defendants not involved in an agency relationship, the issue as to the negligence of each should be submitted separately.