

106.42 WRONGFUL DEATH DAMAGES - IN GENERAL.

Actual damages are the fair compensation to be awarded to the estate for the death of (*name deceased*) [proximately caused by the negligence] [caused by the wrongful conduct] of the defendant. Such damages may include:

[expenses for care, treatment and hospitalization incident to the injury resulting in death]<sup>1</sup>

[pain and suffering]<sup>2</sup>

[reasonable funeral expenses]<sup>3</sup>

[the present monetary value of (*name deceased*) to *his* next-of-kin].<sup>4</sup>

The total of all damages<sup>5</sup> are to be awarded in one lump sum.<sup>6</sup> I will now explain the law of damages as it relates to (each of) these.

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1. N.C. Gen. Stat. § 28A-18-2(b)(1).

2. N.C. Gen. Stat. § 28A-18-2(b)(2).

3. N.C. Gen. Stat. § 28A-18-2(b)(3).

4. N.C. Gen. Stat. § 28A-18-2(b)(4).

5. In addition, punitive damages may be awarded for wrongful death of the deceased through the malice or willful or wanton conduct of the defendant as defined at N.C. Gen. Stat. § 1D-5. N.C. Gen. Stat. § 28A-18-2(b)(5). Punitive damages issues should be submitted separately, however. See *Jones v. McCaskill*, 99 N.C. App. 764, 394 S.E.2d 254 (1990). *Kendrick v. Cain*, 272 N.C. 719, 159 S.E.2d 33 (1968).

6. *Kendrick v. Cain*, 272 N.C. 719, 159 S.E.2d 33 (1968).