

810.04A PERSONAL INJURY DAMAGES - MEDICAL EXPENSES -
STIPULATION.

(Use for claims arising on or after 1 October 2011¹ when there is a stipulation as to both the reasonableness of the amount of expenses and the causal nexus of the expenses to the conduct at issue. For claims arising before 1 October 2011, use N.C.P.I.-Civil 810.04.)

Medical expenses include all [hospital] [doctor] [drug] [state other expenses] bills reasonably [incurred]² [to be incurred in the future]³ by the plaintiff as a [proximate result of the negligence] [result of the wrongful conduct] of the defendant.

The parties have agreed and stipulated that the plaintiff's reasonable medical expenses are \$_____. Because the parties have so agreed, you are to take this fact as true for purposes of this case.

1. See 2011 N.C. Sess. Laws 317 § 1.1 (modifying 2011 N.C. Sess. Laws 283 § 4.2).

2. *NOTE WELL: N.C. R. Evid. 414 limits medical expenses evidence to amounts actually paid to satisfy the bill or, if not yet paid, the amount that would satisfy the bill: "Evidence offered to prove past medical expenses shall be limited to evidence of the amounts actually paid to satisfy the bills that have been satisfied, regardless of the source of the payment, and evidence of the amounts actually necessary to satisfy the bills that have been incurred but not yet satisfied. This rule does not impose upon any party an affirmative duty to seek a reduction in billed charges to which the party is not contractually entitled." The Rule does not change existing law that the fact that medical expenses were paid by the plaintiff's employer, his medical insurer, or some other collateral source generally does not deprive the plaintiff of the right to recover them. See Cates v. Wilson, 321 N.C. 1, 5, 361 S.E.2d 734, 737 (1987); Fisher v. Thompson, 50 N.C. App. 724, 731, 275 S.E.2d 507, 513 (1981).*

3. If there is evidence of future medical expenses, whether temporary or permanent, give N.C.P.I.-Civil 810.16 ("Personal Injury Damages-Future Worth in Present Value"). In addition, if there is evidence that the medical expenses will be permanent, give N.C.P.I.-Civil 810.14 ("Personal Injury Damages-Permanent Injury") or if a medical malpractice case, N.C.P.I.-Civil 809.114 ("Medical Malpractice Personal Injury Damages-Permanent Injury-Economic Damages") or N.C.P.I.-Civil 809.115 ("Medical Malpractice Personal Injury Damages-Permanent Injury-Non-Economic Damages").