

102.10A NEGLIGENCE ISSUE - STIPULATION OF NEGLIGENCE.

The (*state number*) issue reads:

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

Negligence refers to a person's failure to follow a duty of conduct imposed by law. The defendant, (*state name of defendant*), has stipulated and agreed that *he* was negligent in the operation of *his* motor vehicle, but denies that *his* negligence was a proximate cause of the plaintiff's [injury] [damage].

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's negligence was a proximate cause of the plaintiff's [injury] [damage].

Proximate cause is a cause which in a natural and continuous sequence produces a person's [injury] [damage], and is a cause which a reasonable and prudent person could have foreseen would probably produce such [injury] [damage] or some similar injurious result.

There may be more than one proximate cause of [an injury] [damage]. Therefore, the plaintiff need not prove that the defendant's negligence was the sole proximate cause of the [injury] [damage]. The plaintiff must prove, by the greater weight of the evidence, only that the defendant's negligence was a proximate cause.

Finally, as to this (*state number*) issue on which the plaintiff has the burden of proof, if you find by the greater weight of the evidence, that the negligence of the defendant, (*state name of defendant*), in the operation of *his* motor vehicle was a proximate cause of the plaintiff's

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[injury] [damage], then it would be your duty to answer this issue "Yes" in favor of the plaintiff.

However, if you fail to so find, then it would be your duty to answer this issue "No" in favor of the defendant.