

NJI2d Civ. 4.00

General Instruction on Damages in a Tort Action Where Joint and Several Liability *Is* an Issue -- Economic and Noneconomic Damages

In Instruction No. _____, I spoke of economic and noneconomic damages.

ECONOMIC DAMAGES

I am about to give you a list of things you may consider in making your decision regarding economic damages. From this list, you must only consider those things you decide were proximately caused by defendants' negligence.

1. The reasonable value of medical (*, hospital, nursing, and similar*) care and supplies reasonably needed by and actually provided to the plaintiff (*and reasonably certain to be needed and provided in the future*);
2. The (*wages, salary, profits, reasonable value of the working time, business*) the plaintiff has lost because of (*his, her*) (*inability, diminished ability*) to work;
3. The reasonable value of the (*earning capacity, business or employment opportunities*) the plaintiff is reasonably certain to lose in the future;
4. Reasonable funeral costs;
5. The reasonable value of plaintiff's loss of the use of (*his, her*) property;
6. The reasonable value of the cost of repair or replacement (*here describe the thing repaired or replaced*);
7. The reasonable cost of obtaining substitute domestic services.

NONECONOMIC DAMAGES

I am about to give you a list of things you may consider in making your decision regarding noneconomic damages. From his list, you must only consider those things you decide were proximately caused by defendants' negligence.

1. The reasonable monetary value of the physical pain and mental suffering (*and emotional distress*) the plaintiff has experienced (*and is reasonably certain to experience in the future*);

2. The reasonable monetary value of the inconvenience the plaintiff has experienced (*and is reasonably certain to experience in the future*);

3. The reasonable monetary value of loss of society and companionship suffered by the plaintiff and reasonably certain to be suffered in the future;

4. The reasonable monetary value of any injury to plaintiff's reputation;

5. The reasonable monetary value of any humiliation the plaintiff has experienced (*and is reasonably certain to experience in the future*);

6. The plaintiff's (*husband's, wife's*) loss of consortium. Consortium means those things to which a person is entitled by reason of the marriage relationship. It includes affection, love, companionship, comfort, assistance, moral support, and the enjoyment of (*sexual, conjugal*) relations.

ECONOMIC AND NONECONOMIC DAMAGES

In your determination of economic and noneconomic damages, you must consider the nature and extent of the injury, including whether the injury is temporary or permanent, and whether any resulting disability is partial or total.

APPENDIX 5

Adopted December 8, 2021, effective January 1, 2022.