### IDJI 4.30 – Assault – issues

INSTRUCTION NO. \_\_\_\_\_

The plaintiff has the burden of proving each of the following propositions:

1. The defendant acted intending to cause a harmful or offensive contact with the person of the plaintiff or a third person, or an immediate fear of such contact; and

2. As a result, the plaintiff feared that such contact was imminent.

You will be asked the following question on the jury verdict form: “Did the defendant assault the plaintiff, as defined in the instructions?” If the plaintiff proves all of the propositions in this instruction, you should answer this question “Yes.” If either of these propositions has not been proved, you should answer the question “No.”

Alternative to paragraph 2

If you find that either of these propositions has been proved, then you should consider the issue of damages. If you find that any of these propositions has not been proved, your verdict should be for the defendant.