### IDJI 1.40.4 – Special format for charging instruction, negligence case, no comparative or affirmative defenses. For use with general verdict without special interrogatories.

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

 The plaintiff has the burden of proof on each of the following propositions:

1. The defendant was negligent.
2. The [plaintiff was injured.] [plaintiff’s property was damaged.]
3. The negligence of the defendant was a proximate cause of [the injury to the plaintiff.][the damage to the plaintiff’s property.]
4. The elements of damage and the amounts thereof.

 If you find from your consideration of all the evidence that each of these propositions has been proved, your verdict should be for the plaintiff. However, if you find that any of these propositions has not been proved, then the plaintiff has not met the burden of proof required and your verdict should be for the defendant.

Comment:

This is a standard form of charging or issue instruction in a negligence case where comparative negligence or affirmative defenses are not involved. Use a general verdict, without special interrogatories.