

AGENDA
ADVISORY COMMITTEE
ON MODEL CIVIL JURY INSTRUCTIONS

Administrative Office of the Courts
Scott M. Matheson Courthouse
450 South State Street
Judicial Council, Suite N31

September 12, 2005
4:00 TO 6:00 P.M.

Damages Instructions	Rich Humphries Paul Belnap
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**Meeting Schedule: Matheson Courthouse, 4:00 to 6:00, Education Room
as available. Otherwise Judicial Council Room**

October 17, 2005 (3rd Monday)
November 14, 2005
December 12, 2005
January 9, 2006
February 13, 2006
March 13, 2006
April 10, 2006
May 8, 2006
June 12, 2006
July 10, 2006
August 14, 2006
September 11, 2006
October 9, 2006
November 13, 2006
December 11, 2006

Committee Web Page: <http://www.utcourts.gov/committees/muji/>

MINUTES

Advisory Committee on Model Civil Jury Instructions

August 8, 2005

4:00 p.m.

Present: John L. Young (chair), Honorable William W. Barrett, Jr., Paul M. Belnap, Juli Blanch, Francis J. Carney, Marianna Di Paolo, Phillip S. Ferguson, L. Rich Humpherys, Jonathan G. Jemming, Colin P. King and Paul M. Simmons

Excused: Ralph L. Dewsnup, Tracy H. Fowler, Timothy M. Shea

Damage Instructions. The committee reviewed the following damage instructions:

1. *15.108. Personal injury damages. Aggravation of pre-existing conditions.* Judge Barrett noted that the instruction uses “damages” in two different senses. Mr. Ferguson noted that at least one court has drawn a distinction between “damage” and “damages.” He will try to find the case for the next meeting. The committee questioned whether the words “aggravation,” “susceptible,” “attributable” and “determination” used in the instruction are plain English. Mr. Belnap questioned whether the last sentence was an accurate statement of the law. He thought that if the jury found a pre-existing condition and aggravation of that condition, the jury necessarily must have made an apportionment between the two. Other committee members disagreed. Mr. Carney asked whether the instruction would apply in a failure-to-diagnose case. The committee agreed that failing to diagnose a condition and hence stopping its natural progression was different from the aggravation of a pre-existing condition. The former is covered by the loss of chance doctrine; the latter is covered by this instruction. Mr. Young and Mr. King questioned whether the instruction implied that the jury must make a specific finding on apportionment or whether its apportionment is implicit in its determination of the amount of damages. Mr. King suggested adding an advisory committee note to the effect that it is not intended that the jury be asked to make a specific finding on the verdict form as to the amount of damages attributable to the pre-existing condition and the amount attributable to the aggravation. The instruction was revised to read as follows:

A person who has a physical [or emotional] condition before the time of [described event] is not entitled to recover damages for that condition or disability. However, the injured person is entitled to recover damages for any aggravation of the pre-existing condition that is caused by another’s fault, even if the person’s pre-existing condition made him more vulnerable to physical [or emotional] harm than the average person. This is true even if another person may not have suffered any harm from the event at all.

When a pre-existing condition makes the damages from injuries greater than they would have been without the condition, it is your duty, if possible, to determine what portion of the plaintiff’s disability, impairment, pain, suffering, or other damage was caused by the pre-existing condition and what portion was caused by the [described event]. If you are not able to make such an

apportionment, then you must conclude that the entire disability, impairment, pain, suffering or other damage was caused by the defendant's fault.

Mr. Belnap was excused.

2. *15.109. Personal injury damages. Aggravation of dormant pre-existing condition.* Ms. Blanch questioned whether the instruction was an accurate statement of the law. She asked what constitutes a dormant or asymptomatic condition. Must the condition have been asymptomatic at all times before the accident or only at the time of the accident, and if the latter, how long before the accident can the condition have been symptomatic and still be considered "dormant"? Mr. Ferguson suggested that the subcommittee research what "dormant" means. He also pointed out that the last sentence of the instruction was incomplete. Mr. Simmons and Mr. Humpherys asked whether the instruction should be combined with 15.108, as a specific application of 15.108. The committee agreed that, depending on the facts of the case, a court may want to give 15.108, 15.109 or both, particularly if reasonable minds could differ on whether the plaintiff's pre-existing condition was "dormant." Mr. Carney asked whether the instruction should say that the plaintiff cannot recover for any preexisting condition that did not result from the defendant's fault. Mr. Simmons thought the concept was covered in other instructions that tell the jury to award only those damages that were caused by the defendants' fault. At Mr. Humpherys suggestion, the committee agreed to add the first sentence of instruction 15.108 to 15.109 in brackets, to be used whenever 15.109 is given alone. The instruction was revised to read:

[A person who has a physical [or emotional] condition before the time of [described event] is not entitled to recover damages for that condition or disability.] If a person has a pre-existing condition that does not affect him, he may recover the full amount of damages legally caused by an aggravation of that condition. In other words, when a pre-existing condition does not cause pain or disability, but [describe the event] causes the person to suffer pain, disability or other problems, then the plaintiff may recover all the damages caused by the event.

3. *15.110. Personal injury damages. Mitigation of damages.* Mr. Simmons asked whether the phrase "even if his efforts were unsuccessful" should be added to the end of the instruction. At Mr. Ferguson's suggestion, the instruction was revised to read:

[Name of plaintiff] has a duty to exercise reasonable diligence and ordinary care to minimize the damages caused by [name of defendant]'s fault. Any damages awarded to [name of plaintiff] should not include damages that [name of plaintiff] could have avoided by taking reasonable steps. It is [name of defendant]'s burden to prove that [name of plaintiff] could have minimized his

damages, but failed to do so. If [name of plaintiff] made reasonable efforts to minimize his damages, then your award should include the amounts he reasonably incurred to minimize his damages.

Mr. Young asked whether the burden of proof needed to be explained more fully. The committee members thought that it was sufficiently explained in the preliminary instructions.

4. *15.111. Personal injury damages. Life expectancy.* Mr. Humpherys noted that there may be an issue as to the proper date for measuring life expectancy, that is, whether it should be measured from the date of trial or the date of injury. The committee agreed that it should be measured from the date of trial, since it relates to future damages, and future damages are measured from the date of trial, not the date of injury. Mr. Ferguson asked whether this was an issue of law that the Utah Supreme Court has not yet ruled on and whether the committee would be invading the province of the court if it included a note to that effect. A majority of the committee thought the issue was not subject to serious dispute. Mr. Carney added an advisory committee note to explain the purpose of the instruction and from what point life expectancy is to be determined. Mr. Carney noted that California includes the life expectancy tables in its instructions. The committee saw no reason to do so. Mr. Simmons suggested that the first sentence be modified to make it clear that mortality tables do not purport to predict any specific person's life expectancy. The instruction was revised to read:

According to the mortality tables, an average person of the plaintiff's age, race and sex can expect to live _____ more years. You may consider this fact in deciding the amount of future damages. A life expectancy is merely an estimate of the average remaining life of all persons in our country of a given age and gender, with average health and exposure to danger. Some people live longer and others die sooner. You may consider all other evidence bearing on the expected life of [name of plaintiff], including his occupation, health, habits, life style, and other activities.

Next Meeting. The next meeting will be Monday, September 12, 2005, at 4:00 p.m.

The meeting concluded at 6:00 p.m.

15.103. Personal injury - economic damage. Loss of earnings.

Economic damages also include lost earnings and loss of earning capacity from the time of harm.

As to lost earnings, you should award the lost earnings and benefits to [name of plaintiff] for work he has been unable to do, and the reasonable value of his earnings and benefits that will be lost in the future.

Earning capacity is not the same as lost earnings, and means the potential to earn income. It is not necessarily determined by the actual loss of earnings. In determining this amount, you should consider evidence of: (1) [name of plaintiff]'s actual earnings; (2) his work before and after [describe event]; (3) what he was capable of earning had he not been injured; and (4) any other fact that relates to employment.

MUJI 1st References.

27.04; 27.05.

References.

Dalebout v. Union Pacific R. Co., 980 P.2d 1194, 1200 (Ut. App. 1999)
Corbett v. Seamons dba Big O Tire, 904 P.2d 232, N.2 (Ut. App. 1995)

Advisory Committee Notes.

Staff Notes.

Separate into 2 instructions.

Status: Changes from June 1, 2005

15.104. Personal injury - economic damage. Loss of earning capacity.

MUJI 1st References.

References.

Advisory Committee Notes.

Staff Notes.

Status:

15.108. Personal injury damages. Aggravation of pre-existing conditions.

A person who has a physical [or emotional] condition before the time of [described event] is not entitled to recover damages for that condition or disability. However, the injured person is entitled to recover damages for any aggravation of the pre-existing condition was caused by another's fault, even if the person's pre-existing condition made him more vulnerable to physical [or emotional] harm than the average person. This is true even if another person may not have suffered any harm from the event at all.

When a pre-existing condition makes the damages from injuries greater than they would have been without the condition, it is your duty, if possible, to determine what portion of the plaintiff's disability, impairment, pain, suffering, and other damage was caused by the pre-existing condition and what portion was caused by the [described event].

If you are not able to make such an apportionment, then you must conclude that the entire disability, impairment, pain, suffering, or other damage was caused by [name of defendant]'s fault.

MUJI 1st References.

27.06.

References.

Brunson v. Strong, 17 Utah 2d 364, 412 P.2d 451 (1966)
Tingey v. Christensen, 987 P.2d 588 ,592 (Utah 1999)
Robinson v. All-Star Delivery, 992 P.2d 969, 972 (Utah 1999)

Advisory Committee Notes.

This instruction is not intended to suggest that the verdict form include a line-item allocation of what part of the harm can be apportioned to the pre-existing condition, and what part to the defendant's fault. That question is answered by the jury's award of damages, or not, and should not be confused with allocation of comparative fault.

Staff Notes.

"If possible..." This may be the only place we make the duty conditional. Substitute "harm" for "disability, impairment, pain, suffering, and other damage." Substitute "[name of defendant]'s fault" for "[described event]" in the 2d para.

"Or not" in the last sentence of committee note is confusing.

Status: Changes from August 8

15.109. Personal injury damages. Aggravation of dormant pre-existing condition.

A person who has a physical [or emotional] condition before the time of [described event] is not entitled to recover damages for that condition or disability.

If a person has a pre-existing condition that does not affect him, he may recover the full amount of damages legally caused by an aggravation of that condition. In other words, when a pre-existing condition does not cause pain or disability, but [describe the event] causes the person to suffer pain, disability or other problems, then he may recover all damages caused by the event.

MUJI 1st References.

27.07.

References.

Biswell v. Duncan, 742 P.2d 80 (Utah 1987)

Ortiz v. Geneva Rock Products, Inc., 939 P.2d 1213, (Utah App.,1997)

Turner v. General Adjustment Bureau, Inc., 832 P.2d 62, (Utah App.,1992)

Advisory Committee Notes.

Staff Notes.

Subcommittee to research further. What does it mean to have a dormant condition?

Can 109 be integrated into 108? A dormant or asymptomatic pre-existing condition seems to be the situation as 108, but the pain from the condition = 0.

Status: Changes from August 8.

15.110. Personal injury damages. Mitigation of damages.

[Name of plaintiff] has a duty to exercise reasonable diligence and ordinary care to minimize the damages caused by [name of defendant]'s fault. Any damages awarded to [name of plaintiff] should not include damages that [name of plaintiff] could have avoided by taking reasonable steps. It is [name of defendant]'s burden to prove that [name of plaintiff] could have minimized his damages, but failed to do so. If [name of plaintiff] made reasonable efforts to minimize his damages, then your award should include the amounts that he reasonably incurred to minimize his damages.

MUJI 1st References.

27.08.

References.

Advisory Committee Notes.

Staff Notes.

Status: Changes from August 8.

15.111. Personal injury damages. Life expectancy.

According to the mortality tables, a person of [name of plaintiff]'s age, race, and gender is expected to live ____ more years. You may consider this fact in deciding the amount of future damages. A life expectancy is merely an estimate of the average remaining life of all persons in our country of a given age and gender, with average health and exposure to danger. Some people live longer and others die sooner. You may also consider all other evidence bearing on the expected life of [name of plaintiff], including his occupation, health, habits, life style, and other activities.

MUJI 1st References.

27.12.

References.

JIFU No. 90.36 (1957)
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Advisory Committee Notes.

The purpose for this instruction is to assist the jury in determining future damages. Therefore, life expectancy is determined from the date of trial not the date of injury.

Staff Notes.

Status: Changes from August 8.

15.112. Personal injury damages. Wrongful death claim. Adult.

In determining damages, you shall award an amount which will compensate [name of plaintiff] for the loss suffered due to [name of decedent]'s death. You shall base the amount of your award on all circumstances existing at the time of the [name of decedent]'s death which establish [name of plaintiff]'s loss, including the following:

(1) The loss of financial support or the right to receive financial support, if any, that [name of plaintiff] would likely have received from [name of decedent] had [name of decedent] lived. You should consider whether [name of decedent] provided or was legally obligated to provide financial support to [name of plaintiff] in the past and the earning capacity of [name of decedent].

(2) The loss of love, companionship, society, comfort, care, protection and affection which [name of plaintiff] has sustained and will sustain in the future.

(3) The age, health and life expectancies of [name of decedent] and [name of plaintiff] immediately prior to the death.

(4) Whether [name of decedent and name of plaintiff]'s relationship was kind and affectionate or otherwise.

(5) The loss of inheritance from [name of decedent] [name of plaintiff] is likely to suffer because of [name of decedent]'s death.

(6) Any other evidence of assistance or benefit that [name of plaintiff] would likely have received had [name of decedent] lived.

[In determining this award, you are not to consider any pain or suffering of [name of decedent] prior to his death.]

MUJI 1st References.

27.09.

References.

Utah Code Ann. §§ 78-11-7 - 12 (1992)
In re Behm's Estate, 117 Utah 151, 213 P.2d 657 (1950)
Allen v. United States, 558 F. Supp. 247 (D. Utah 1984)
Platis v. United States, 288 F. Supp. 254 (D. Utah 1968), aff'd, 409 F.2d 1009 (10th Cir. 1969)
Morrison v. Perry, 104 Utah 151, 140 P.2d 772 (1943)
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Advisory Committee Notes.

This instruction applies to claims for wrongful death of an adult under U.C.A. §78-11-7. It should be given along with Instruction ____ in cases involving both wrongful death claims and survival claims under U.C.A. §78-11-12, and in such cases the bracketed provision should be deleted. In appropriate cases, the court may also include a specific reference within this instruction to reasonable funeral and burial expenses, the decedent's medical expenses resulting from the subject event causing the death, and damage to or destruction of the decedent's personal property.

Staff Notes.

Status: New.

15.113. Wrongful death claim. Minor.

In determining damages, you shall award an amount which will compensate [name of plaintiff] for the loss suffered due to [name of decedent]'s death. You shall base the amount of your award on all circumstances existing at the time of the [name of decedent]'s death which establish [name of plaintiff]'s loss, including the following:

(1) The loss of financial support, if any, that [name of plaintiff] would likely have received from [name of decedent] had [name of decedent] lived. You should consider whether [name of decedent] provided or would likely provide financial support to [name of plaintiff] and the earning capacity of [name of decedent]. This amount should be reduced by the costs that [name of plaintiff] would likely have incurred to support [name of decedent] had the child survived, until the child reached 18 years of age.

(2) The loss of love, companionship, society, comfort, care, protection and affection which [name of plaintiff] has sustained and will sustain in the future.

(3) The age, health and life expectancies of [name of decedent] and [name of plaintiff] immediately prior to the death.

(4) Whether [name of decedent and name of plaintiff]'s relationship was kind and affectionate or otherwise.

(5) Any other evidence of assistance or benefit that [name of plaintiff] would likely have received had [name of decedent] lived.

(6) The reasonable and necessary expenses incurred by [name of plaintiff] for [name of decedent] for any medical care because of [circumstances causing death].

(7) The reasonable expenses that were incurred for [name of decedent's] funeral and burial.

[In determining this award, you are not to consider any pain or suffering of [name of decedent] prior to his death.]

MUJI 1st References.

27.10.

References.

Utah Code Ann. §§ 78-11-7 through 78-11-12 (1992)
In re Behm's Estate, 117 Utah 151, 213 657 (1950)
Allen v. United States, 588 F. Supp. 247 (D. Utah 1984)

Platis v. United States, 288 F. Supp. 254 (D. Utah 1968), aff'd, 409 F.2d 1009 (10th Cir. 1969)

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Advisory Committee Notes.

This instruction applies to claims for wrongful death of a minor under U.C.A. §78-11-6. It should be given along with Instruction _____ in cases involving both wrongful death claims and survival claims under U.C.A. §78-11-12, and in such cases the bracketed provision should be deleted.

Staff Notes.

Status: New.

15.114. Personal injury damages. Survival claim.

If you find that: (1) [name of decedent] lived for a period of time after the [circumstances of claim]; and that (2) [name of decedent] died as a result of the injuries caused by the [circumstances of claim], then you should award economic and non-economic damages as defined elsewhere in these instructions.

MUJI 1st References.

None.

References.

Utah Code Ann. §§ 78-11-7 through 78-11-12 (1992)
In re Behm's Estate, 117 Utah 151, 213 657 (1950)
Allen v. United States, 558 F. Supp. 247 (D. Utah 1984)
Platis v. United States, 288 F. Supp 254 (D. Utah 1968), aff'd, 409 F.2d 1009 (10th Cir. 1969)
BAJI No. 14.50 (Supp. 1992). Reprinted with permission; copyright © 1986 West Publishing Company.

Advisory Committee Notes.

There is no Utah law at the time this was drafted regarding the meaning of "survival," and whether the decedent must be conscious to bring a survival action.

Staff Notes.

Status: New.

15.115. Personal injury damages. Survival claim. Disputed cause of death.

You may not award non-economic damages suffered by [name of decedent] if [name of decedent]'s death resulted from a cause other than an injury caused by [name of defendant]'s fault. If you decide that [name of decedent]'s death resulted from some other cause, you may award only economic damages resulting from [name of defendant]'s fault, as explained elsewhere in these instructions.

MUJI 1st References.

None.

References.

Advisory Committee Notes.

This instruction applies only to a claim made under U.C.A. §78-11-12, where the cause of death is contested.

Staff Notes.

If death is not caused by defendant's fault, then jury would never reach the question of damages.

Status: New.

15.116. Personal injury damages. Effect of settlement.

You have heard evidence that [name of plaintiff] has settled his claim against [name of settled party]. Your award of damages to [name of plaintiff] should be made without considering any amount that he may or may not have received under this settlement. After you have returned your verdict, I will make any appropriate adjustment to your award of damages.

MUJI 1st References.

None.

References.

Advisory Committee Notes.

Staff Notes.

Status: New.

15.117. Arguments of counsel not evidence of damages.

You may consider the arguments of the attorneys to assist you in deciding the amounts of damages, but their arguments are not evidence.

MUJI 1st References.

None.

References.

Advisory Committee Notes.

Staff Notes.

Covered in 1.301.

Status: New.

15.118. Personal injury damages. Proof of damages.

Before you may award damages, [name of plaintiff] must prove two points.

First, he must prove that damages occurred. The evidence must do more than raise speculation that damages actually occurred; there must be a reasonable probability that [name of plaintiff] suffered damages from [name of defendant]'s fault.

Second, [name of plaintiff] must prove the amount of damages. The level of evidence required to establish that damages actually occurred is generally higher than that required to establish the amount of damage.

It is [name of defendant], rather than [name of plaintiff], who should bear the burden of some uncertainty in the amount of damages. While the standard for determining the amount of damages is not so exacting as the standard for proving that damages actually occurred, there still must be evidence that rises above speculation and provides a reasonable, even though not necessarily precise, estimate of the amount of damages.

If damages actually occurred, the amount of damages may be based upon reasonable approximations, assumptions or projections.

MUJI 1st References.

None.

References.

Atkin Wright & Miles v. Mountain States Telephone & Telegraph Co., et al., 709 P.2d 330, 336 (Utah 1985)

Advisory Committee Notes.

Staff Notes.

Status: New.

15.119. Personal injury damages. Present cash value.

If you decide that [name of plaintiff] is entitled to damages for future economic losses, then the amount of those damages must be reduced to present cash value. This is because any damages awarded would be paid now, even though the plaintiff would not suffer the economic losses until some time in the future. Money received today would be invested and earn a return or yield.

To reduce an award for future damages to present cash value, you must determine the amount of money needed today that, when reasonably and frugally invested, will provide [name of plaintiff] with the amount of money needed to compensate [name of plaintiff] for future economic losses. In making your determination, you should consider the earning yields of reasonable and frugal, but not necessary risk free, investment, and the effects of inflation over that time period.

MUJI 1st References.

27.11.

References.

Advisory Committee Notes.

Utah law is silent on whether inflation should be taken into account in discounting an award for future damages to present value. The United States Supreme Court, however, has ruled that inflation should be taken into account in discounting. See *Jones & Laughlin Steel Corp. v. Pfeifer*, 462 U.S. 523 (1983). The Committee does not feel that it is appropriate to enact a "rule" on this issue in the context of preparing model instructions. Instead, the parties and the court in any particular case should address and resolve this issue.

See *Klinge v. Southern Pac. Co.*, 57 P.2d 367 (Utah 1936) (Evaluating present cash value under FELA claim, holding that it was error for district court to have instructed the jury to use the legal rate of interest in determining present value - present value determination should be left to the jury, to be inferred from the evidence, using the "reasonably safe" standard cited above).

Gleason v. Kueker, 641 N.W. 2d 553 (Ia. Ct. App. 2001) (summarizing Iowa Supreme Court law on present value, using "reasonably safe" investment by person of "ordinary prudence" standard [the same discussed in *Klinge*], and stating that it is the jury's province "to make the present value reduction based on all the relevant facts and circumstances shown by the evidence.")

St. Louis S'western Ry. Co. v. Dickerson, 470 U.S. 409 (1985) (FELA case, holding that state court's failure to give present value instruction, which closely coincides with the first paragraph of our proposed instruction above, was error).

Staff Notes.

Status: New.

15.120. Introduction to tort damages. Liability established.

I have decided that [name of defendant's] fault was the cause of [name of plaintiff]'s harm. You must decide how much money will fairly and adequately compensate [name of plaintiff] for his damages. There are two kinds of damages: economic damages and non-economic damages, and I will now explain what each means.

MUJI 1st References.

27.01.

References.

Advisory Committee Notes.

The Advisory Committee recommends that the terms "special" and "general" damages not be used and that the terms "economic" and "non-economic" damages are more descriptive, but are intended to describe the same things.

Staff Notes.

Should immediately follow 15.101, Liability contested.

Status: New.

15.121. Loss of use of personal property. Economic damage.

To compensate [name of plaintiff] for loss of use of [item of personal property], you may award [name of plaintiff] the amount you determine will, under all the circumstances, restore [name of plaintiff] to the same position [name of plaintiff] was in prior to the damage. You may consider the following factors:

[Include only those factors that are appropriate based on the evidence.]

(1) The rental value of the [item of personal property] or the lost income, meaning the income [name of plaintiff] would likely have earned through using the [item of personal property].

(2) What [name of plaintiff] reasonably spent to decrease the damage.

MUJI 1st References.

27.15.

References.

Castillo v. Atlanta Casualty Co., 939 P.2d 1204, 1209 (Utah Ct. App. 1997)

Advisory Committee Notes.

Staff Notes.

Status: New.

15.122. Damage to personal property. Economic damage.

Economic damages include damage to or destruction of [name of plaintiff]'s [item of personal property]. To compensate [name of plaintiff] for this damage, you may award the amount that you determine will, under all the circumstances, restore [name of plaintiff] to the same position had there been no damage to the item of personal property.

That amount will generally be equal to the difference in the fair market value of the property immediately before and immediately after the damage. If the damages have been repaired, or are capable of repair, so as to restore the [item of personal property] to the same condition as before the damage, at a cost less than the difference in value, then the measure of damage is the cost of the repair rather than the difference in value.

If you find that the repairs do not restore the item to the same value as before the damage, you may award the difference between its fair market value before the harm and its fair market value after the repairs have been made, plus the reasonable cost of making the repairs. The total amount awarded must not exceed the [item of personal property]'s fair market value before the harm occurred.

If the property has no market value, use the first paragraph only.

MUJI 1st References.

27.13; 27.14.

References.

Ault v. Dubois, 739 P.2d 1117 (Utah Ct. App. 1987)
Winters v. Charles Anthony, Inc., 586 P.2d 453 (Utah 1978)
BAJI 14.20

Advisory Committee Notes.

Staff Notes.

Status: New.

15.123. Collateral source payments.

You shall award damages in an amount that fully compensates [name of plaintiff]. Do not speculate on or consider any other possible sources of benefit [name of plaintiff] may have received. After you have returned your verdict, I will make whatever adjustments may be appropriate.

MUJI 1st References.

14.16.

References.

Utah Code Ann. § 78-14-4.5

Mahana v. Onyx Acceptance Corp., 2004 UT 59 P37, P39, 96 P.3d 893, 901

Advisory Committee Notes.

Staff Notes.

Status: New.

15.124. "Fair market value" defined.

Fair market value is the highest price that a willing buyer would have paid to a willing seller, assuming that there was no pressure on either one to buy or sell; and that the buyer and seller were fully informed of the condition and quality of the [item of personal property].

MUJI 1st References.

27.19.

References.

Advisory Committee Notes.

Staff Notes.

Status: New.

