

The parties hereby agree and stipulate that the Medical Bills are linked to this action and the medical treatment given therein was solely related to this car accident and no other incidents or pre- or post-incident conditions. Further, the parties agree and stipulate to all of the information contained within the medical bills in this case and the adequacy of the bills. As such, each party to this case can testify to their injuries and treatments, consistent with the rules of evidence and fact pattern materials, including the medical bill and each party may discuss in closing the monetary amount they are seeking if the court finds that the opposing party is liable. Below is the law on damages that both parties can argue:

Damages

10:1 Introductory Statement

If you find for the plaintiff on the issue of liability, then you must consider the question of damages. It will be your duty to determine what, if any, award will fairly compensate the plaintiff.

The plaintiff has the burden to prove by a preponderance of the evidence each item of damage claimed to be caused by the defendant. In considering the items of damage, you must keep in mind that your award must adequately and fairly compensate the plaintiff. However, an award should not be based on guesswork.

10:2 Compensatory Damages for Bodily Injury

In an action for damages in a personal injury case, you shall consider the following:

- (1) The personal injuries sustained and their extent and duration;
- (2) The effect such injuries have on the overall physical and mental health and well-being of the plaintiff;
- (3) The physical pain and mental anguish suffered in the past and that with reasonable probability may be expected to be experienced in the future;
- (4) The disfigurement and humiliation or embarrassment associated with such disfigurement;
- (5) The medical and other expenses reasonably incurred in the past and that with reasonable probability may be expected in the future;
- (6) The loss of earnings in the past and such earnings or reduction in earning capacity that with reasonable probability may be expected in the future.