

**Jury's Special Verdict Sheet**

Jurors, after deliberation of all the testimony, documents and exhibits you are to carefully consider the evidence and come to a unanimous conclusion as to each question below:

 Elements of the plaintiff's prima facie case of Negligence:

Negligence is a "tort," a private (non-criminal) wrong or injury. To prevail on a claim of negligence, a plaintiff must prove by a preponderance of the evidence the following four elements:
**1.Duty of reasonable care to the injured party,**

**2.Breach by the defendant of the duty of reasonable care,**

**3.Proximate (legal) causation of the plaintiff's injuries (here, in this case, the cause of Mr. Jensen's wrongful death);**

**4.Damages.**

1. Duty of Reasonable Care:

(a) Was Hans Peder Jensen a Foreseeable Plaintiff to The White Star Line? Yes \_\_\_\_, No \_\_\_\_
(b) Did The White Star Line owe a duty of reasonable care to its passenger, Hans Peder Jensen?
Yes X , No \_\_\_\_

 (The judge has determined that as a 'matter of law' The White Star Line owed Mr. Jensen a duty of reasonable care so you need not decide this matter.)IF THE ANSWERS TO THE ABOVE QUESTIONS 1.(a) AND (b) ARE ANSWERED "YES" PROCEED TO THE NEXT QUESTION:

2. Breach of the Duty Owed:

 Did The White Star Line breach the duty of care owed to Hans Peder Jensen?

Yes \_\_\_\_, No \_\_\_\_

IF THE ANSWER TO QUESTION 2 IS "YES" PROCEED TO THE NEXT QUESTION:

 3. Causation:

(a) Factual Causation: But for the fact that Hans Peder Jensen was on board the TITANIC, would he have died?

Yes \_\_\_\_, No \_\_\_\_

(b) Proximate Causation: Was there a direct connection between the actions or omissions of the crew of The White Star Line and Jensen's death?

Yes \_\_\_\_, No \_\_\_\_

4. Damages:

(a) In what amount, if any,  is White Star Lines liable to pay the plaintiff for the ***wrongful death*** of Hans Peder Jensen?
Amount $\_\_\_\_\_\_\_\_\_\_\_\_

(b) In what amount, if any,  is The White Star Line liable to pay the plaintiff for loss of Hans Peder Jensen's ***future wages*** for the remainder of his work life?
Amount $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(c) In what amount, if any,  is White Star Lines liable to pay the plaintiff for the ***physical pain and suffering*** of Hans Peder Jensen prior to his death?
Amount $\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(d) In what amount, if any, is White Star Lines liable to pay the plaintiff for the ***mental anguish*** of Hans Peder Jensen prior to his death?
Amount $\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(e) In what amount, if any, is White Star Lines liable to pay plaintiff for ***punitive damages*** for wanton or reckless disregard in failing to properly perform its duties to plaintiff and to Hans Peder Jensen?
Amount $\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Defenses Available to White Star Lines:

 1. Superseding Cause: Was an intentional act by any person other than an employee of White Star Lines that acted as a superseding cause of Hans Peder Jensen's death? (The intentional act could be by Hans Peder Jensen himself).

Yes \_\_\_\_, No \_\_\_\_

2. Contributory Negligence: Was Hans Peder Jensen, in any way, contributory negligent in his own death? If so, plaintiff

Yes \_\_\_\_, No \_\_\_\_

3. Assumption of the Risk: Did Hans Peder Jensen assume the risk of his own death?

Yes \_\_\_\_, No \_\_\_\_

 Jurors, after you have come to a unanimous conclusion as to each question below, the completed verdict sheet must be returned to the judge or bailiff.