

MEMORANDUM

TO: SUPERIOR COURT JUDGES' SUMMER CONFERENCE **CC:** The Honorable F. Don Bridges

FROM: Robert E. Desmond

DATE: June 20, 2018

RE: Pattern Jury Instruction Committee – Summer Update

A. UPDATE REGARDING COMMITTEE MEMBERSHIP

B. 2017 – 2018 FINALIZED CIVIL INSTRUCTIONS

- 102.11 NEGLIGENCE ISSUE – DEFINITION OF COMMON LAW NEGLIGENCE.

- 102.11 MV NEGLIGENCE ISSUE – DEFINITION OF COMMON LAW NEGLIGENCE.

- 102.13 NEGLIGENCE OF MINOR BETWEEN SEVEN AND FOURTEEN YEARS OF AGE.

- 102.13 MV NEGLIGENCE OF MINOR BETWEEN SEVEN AND FOURTEEN YEARS OF AGE.

- 102.84 NEGLIGENCE – INFLICTION OF SEVERE EMOTIONAL DISTRESS.

- 102.84 MV NEGLIGENCE – INFLICTION OF SEVERE EMOTIONAL DISTRESS.

- 104.10 CONTRIBUTORY NEGLIGENCE ISSUE – BURDEN OF PROOF – DEFINITION.

- 104.10 MV CONTRIBUTORY NEGLIGENCE ISSUE – BURDEN OF PROOF – DEFINITION.

- 104.25 CONTRIBUTORY NEGLIGENCE OF MINOR BETWEEN SEVEN AND FOURTEEN YEARS OF AGE.

- 104.25 MV CONTRIBUTORY NEGLIGENCE OF MINOR BETWEEN SEVEN AND FOURTEEN YEARS OF AGE.

- 501.01 CONTRACTS – ISSUE OF FORMATION – COMMON LAW.

- 501.01A CONTRACTS – ISSUE OF FORMATION – UCC.

- 501.05 CONTRACTS – ISSUE OF FORMATION – DEFENSE OF LACK OF MENTAL CAPACITY.

- 501.55 CONTRACTS – ISSUE OF FORMATION – DEFENSE OF CONSTRUCTIVE FRAUD.

- 502.05 CONTRACTS – ISSUE OF BREACH BY REPUDIATION.

- 502.40 CONTRACTS – ISSUE OF BREACH – DEFENSE OF ILLEGALITY OR UNENFORCEABILITY.

- 640.01 EMPLOYMENT RELATIONSHIP – STATUS OF PERSON AS EMPLOYEE.

- 640.27 EMPLOYMENT DISCRIMINATION – PRETEXT CASE.

- 640.29A EMPLOYMENT RELATIONSHIP – ADVERSE EMPLOYMENT ACTION IN VIOLATION OF THE NORTH CAROLINA WHISTLEBLOWER ACT – INTRODUCTION.

- 800.00 FRAUD.

- 800.05 CONSTRUCTIVE FRAUD.

- 800.06 CONSTRUCTIVE FRAUD – REBUTTAL BY PROOF OF OPENNESS, FAIRNESS AND HONESTY.

- 800.10 NEGLIGENT MISREPRESENTATION.

- 805.55 DUTY OF OWNER TO LAWFUL VISITOR.

- 805.56 DUTY OF OWNER TO LAWFUL VISITOR – DEFENSE OF CONTRIBUTORY NEGLIGENCE.

- 805.72 DUTY OF LANDLORD TO RESIDENTIAL TENANT – RESIDENTIAL PREMISES AND COMMON AREAS – DEFENSE OF CONTRIBUTORY NEGLIGENCE.

- 805.74 DUTY OF LANDLORD TO NON-RESIDENTIAL TENANT – CONTROLLED OR COMMON AREAS – DEFENSE OF CONTRIBUTORY NEGLIGENCE.

- 810.24 PERSONAL INJURY DAMAGES – DEFENSE OF MITIGATION.

- 814.50 FRAUDULENT TRANSFER – PRESENT AND FUTURE CREDITORS – INTENT TO DELAY, HINDER OR DEFRAUD.

- 814.70 FRAUDULENT TRANSFER – PRESENT CREDITORS – INSOLVENT DEBTOR AND LACK OF REASONABLY EQUIVALENT VALUE.

- 814.75 FRAUDULENT TRANSFER – PRESENT CREDITORS – TRANSFER TO INSIDER WHILE INSOLVENT.

- 820.10 ADVERSE POSSESSION – COLOR OF TITLE.

- 820.40 PROOF OF TITLE – REAL PROPERTY MARKETABLE TITLE ACT.

- 860.10 WILLS – HOLOGRAPHIC – REQUIREMENTS.

- 900.10 DEFINITION OF FIDUCIARY; EXPLANATION OF FIDUCIARY RELATIONSHIP.
