

Pattern Jury Update - Civil

Robert H. Hobgood

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And

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Reporter for Civil Pattern Jury Committee &

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Superior Court Judges' Summer Conference 2017

MEMORANDUM

TO: Superior Court Judges' Summer Conference Attendees

FROM: North Carolina Pattern Jury Instruction Committee – Civil Subcommittee

DATE: June 21, 2017

RE: 2017 Summer Update – Instructions Written or Revised in 2016-2017

- 101.33 EVIDENCE – LIMITATION AS TO PURPOSE.
- 101.46 DEFINITION OF [INTENT] [INTENTIONALLY].
- 102.20 PROXIMATE CAUSE – PECULIAR SUSCEPTIBILITY.
- 106.60 MV PROPERTY DAMAGE – ISSUE AND BURDEN OF PROOF.
- 106.67 MV DAMAGES FOR LOSS OF USE OF VEHICLE – MEASURE OF DAMAGES; FINAL MANDATE.
- 501.01 CONTRACTS – ISSUE OF FORMATION – COMMON LAW.
- 501.01A CONTRACTS – ISSUE OF FORMATION – UCC.
- 502.40 CONTRACTS – ISSUE OF FORMATION – DEFENSE OF ILLEGALITY OF UNENFORCEABILITY.
- 640.20 EMPLOYMENT RELATIONSHIP – WRONGFUL (TORTIOUS) TERMINATION.
- 640.46 EMPLOYMENT RELATIONSHIP – LIABILITY OF EMPLOYER FOR INJURY TO EMPLOYEE – EXCEPTION TO WORKERS' COMPENSATION EXCLUSION.
- 640.60 EMPLOYMENT RELATIONSHIPS – WAGE & HOUR ACT – WAGE PAYMENT CLAIM.
- 800.20 ALIENATION OF AFFECTIONS.
- 806.40 DEFAMATION – PREFACE.

- 810.41 WRONGFUL DEATH DAMAGES – SET OFF/DEDUCTION OF WORKERS’ COMPENSATION AWARD.
- 810.60 PROPERTY DAMAGES – ISSUE AND BURDEN OF PROOF.
- 814.50 FRAUDULENT TRANSFER – PRESENT AND FUTURE CREDITORS – INTENT TO DELAY, HINDER OR DEFRAUD.
- 814.65 FRAUDULENT TRANSFER – PRESENT AND FUTURE CREDITORS – LACK OF REASONABLY EQUIVALENT VALUE.
- 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.
- 814.80 FRAUDULENT TRANSFER – PRESENT CREDITORS – TRANSFER TO INSIDER WHILE INSOLVENT – DEFENSE OF NEW VALUE GIVEN.
- 814.81 FRAUDULENT TRANSFER – PRESENT CREDITORS – TRANSFER TO INSIDER WHILE INSOLVENT – DEFENSE OF NEW VALUE GIVEN – AMOUNT OF NEW VALUE.
- 820.00 ADVERSE POSSESSION – HOLDING FOR STATUTORY PERIOD.
- 820.10 ADVERSE POSSESSION – COLOR OF TITLE.
- 820.16 ADVERSE POSSESSION BY A COTENANT CLAIMING CONSTRUCTIVE OUSTER.
- 835.10 EMINENT DOMAIN – ISSUE OF JUST COMPENSATION – TOTAL TAKING BY DEPARTMENT OF TRANSPORTATION OR BY MUNICIPALITY FOR HIGHWAY PURPOSES.
- 835.12 EMINENT DOMAIN – ISSUE OF JUST COMPENSATION – PARTIAL TAKING BY DEPARTMENT OF TRANSPORTATION OR BY MUNICIPALITY FOR HIGHWAY PURPOSES.
- 835.12A EMINENT DOMAIN – JUST COMPENSATION – PARTIAL TAKING BY DEPARTMENT OF TRANSPORTATION OR BY MUNICIPALITY FOR HIGHWAY PURPOSES – ISSUE OF GENERAL OR SPECIAL BENEFIT.

- 835.13 EMINENT DOMAIN – ISSUE OF JUST COMPENSATION – PARTIAL TAKING BY DEPARTMENT OF TRANSPORTATION OR BY MUNICIPALITY FOR HIGHWAY PURPOSES (“MAP ACT”).
- 835.13A EMINENT DOMAIN – JUST COMPENSATION – PARTIAL TAKING BY DEPARTMENT OF TRANSPORTATION OR BY MUNICIPALITY FOR HIGHWAY PURPOSES (“MAP ACT”) – ISSUE OF GENERAL OR SPECIAL BENEFIT.
- 835.14 EMINENT DOMAIN – ISSUE OF JUST COMPENSATION – TAKING OF AN EASEMENT BY DEPARTMENT OF TRANSPORTATION OR BY MUNICIPALITY FOR HIGHWAY PURPOSES.
- 835.14A EMINENT DOMAIN – JUST COMPENSATION – TAKING OF AN EASEMENT BY DEPARTMENT OF TRANSPORTATION OR BY MUNICIPALITY FOR HIGHWAY PURPOSES – ISSUE OF GENERAL OR SPECIAL BENEFIT.
- 840.10 EASEMENT BY PRESCRIPTION.
- 845.00 SUMMARY EJECTMENT – VIOLATION OF A PROVISION IN A LEASE.
- 860.05 WILLS – ATTESTED WRITTEN WILL – REQUIREMENTS.
- 860.15 WILLS – ISSUE OF LACK OF TESTAMENTARY CAPACITY.
- 860.20 WILLS – ISSUE OF UNDUE INFLUENCE.