

N.C.P.I.—Civil 809.199
MEDICAL MALPRACTICE SAMPLE VERDICT FORM—DAMAGES ISSUES.
GENERAL CIVIL VOLUME
REPLACEMENT JUNE 2015

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
abc CVS defg

your COUNTY

PLAINTIFF, Plaintiff, v. DEFENDANT, Defendant.	SAMPLE VERDICT FORM (for claims filed on or after 1 October 2011)
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We, the jury, by our unanimous verdict, answer the following issues:

ISSUE (For use with N.C.P.I.-Civil 809.142 *et seq.*)

What amount is the estate of (*name deceased*) entitled to recover for wrongful death?

Economic damages: \$ _____

Non-economic damages: \$ _____

TOTAL DAMAGES: \$ _____

ISSUE (For use with N.C.P.I.-Civil 809.100 *et seq.*)

What amount is the plaintiff entitled to recover for personal injury?¹

Economic damages: \$ _____

Non-economic damages: \$ _____

TOTAL DAMAGES: \$ _____

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ISSUE (For use with N.C.P.I.-Civil 809.160)²

Did the plaintiff suffer (disfigurement) (loss of use of part of the body) (permanent injury) (death) that [was] [were] proximately caused by conduct of the defendant that was (in reckless disregard of the rights of others) (grossly negligent) (fraudulent) [or] (intentional) (with malice)?³

ANSWER: _____

1 NOTE WELL: If the plaintiff seeks damages for both wrongful death and personal injury, this issue and the liability issue can be modified to include at the end the phrase "other than injuries that resulted in the death of the deceased."

2 NOTE WELL: N.C. Gen. Stat. § 90-21.19(a) imposes a limit on "noneconomic damages." As of January, 1, 2014, that limit is \$515,000. See N.C. Gen. Stat. § 90-21.19(a) (limit on damages for non-economic loss reset every three years to reflect change in Consumer Price Index). This issue is relevant only if the plaintiff seeks entry of judgment that includes non-economic damages greater than \$515,000, and therefore would displace the current limit on non-economic damages.

3 NOTE WELL: N.C. R. Civ. P. 42(b)(3) requires the court, upon motion of a party, to bifurcate issues of liability and damages when the plaintiff seeks damages greater than \$150,000, unless the court for "good cause shown orders a single trial." N.C. R. Civ. P. 42(b)(3) (2011). In such a bifurcated case, "[e]vidence relating solely to compensatory damages shall not be admissible until the trier of fact has determined that the defendant is liable." *Id.* Arguably, but not expressly, the issue of gross negligence/permanent injury is one of damages- that is, whether there is a statutory cap on non-economic damages that would be tried in the second phase of the case.