

PERSONAL INJURY DAMAGES—LOSS (OF USE) OF PART OF THE BODY.

Damages for personal injury also include fair compensation for the (partial) loss of (use of) (*identify part of body affected*) experienced by the plaintiff as a [proximate result of the negligence] [result of the wrongful conduct] of the defendant. There is no fixed formula for placing a value on the (partial) loss (of use) of part of the body. You must determine what is fair compensation by applying logic and common sense to the evidence. You may consider:

[the extent of any [past] [present] [future]<sup>1</sup> disability or handicap<sup>2</sup> [proximately caused by the negligence] [caused by the wrongful conduct] of the defendant]

[any [past] [present] [future]<sup>3</sup> inconvenience or hardship [proximately caused by the negligence] [caused by the wrongful conduct] of the defendant]

[(*specify any other factor supported by the evidence*)].

However, the plaintiff is not entitled to recover twice for the same element of damages. Therefore, you should not include any amount you have already allowed for [loss of earnings] [pain and suffering] [scarring or disfigurement] because of the (partial) loss of (use of) (*identify part of body affected*).

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1. If there is evidence of future loss (of use) of part of the body, whether temporary or permanent, give N.C.P.I.—Civil 810.16 (“Personal Injury Damages—Future Worth in Present Value”). In addition, if there is evidence that the loss (of use) of part of the body will be permanent, give N.C.P.I.—Civil 810.14 (“Personal Injury Damages—Permanent Injury”).

2. See generally *Smith v. Corsat*, 260 N.C. 92, 131 S.E.2d 894 (1963); *Inge v. Seaboard Air Line Ry. Co.*, 192 N.C. 522, 135 S.E.2d 522 (1926); *Ledford v. The Valley River Lumber Co.*, 183 N.C. 614, 112 S.E. 421 (1922).

3. See *supra* note 1.

