

WRONGFUL DEATH DAMAGES--PAIN AND SUFFERING.

Damages for (*name deceased's*) death also include fair compensation for the actual physical pain and mental suffering¹ experienced by (*name deceased*) between the time of *his* injury and the time of *his* death. You may consider:

[the nature, extent and degree of the injury(ies) sustained by (*name deceased*)²]

[the length of time (*name deceased*) lived and was conscious³ of *his* pain and suffering]

[*state any other factor supported by the evidence*].

There is no fixed formula for valuing physical pain and mental suffering. You will determine what is fair compensation by applying logic and common sense to the evidence.

¹N.C.G.S. §28A-18-2(b)(2).

²If reasonably established, a recovery may be had for pain and suffering to a fetus. *DiDonato v. Wortman*, 320 N.C. 423, 358 S.E.2d 489, rehearing denied, 320 N.C. 799, 361 S.E.2d 73 (1987).

³*Livingston v. United States*, 817 F.Supp. 601 (E.D.N.C. 1993).

