

NEGLIGENCE ISSUE—STIPULATION OF NEGLIGENCE.

The (*state number*) issue reads:

“Was the plaintiff [injured] [damaged] by the negligence of the defendant?”

Negligence refers to a person’s failure to follow a duty of conduct imposed by law.

The defendant, (*state name of defendant*), has stipulated and agreed that *he* was negligent in the operation of *his* motor vehicle, but denies that *his* negligence was a proximate cause of the plaintiff’s [injury] [damage].

On this issue the burden of proof is on the plaintiff. This means that the plaintiff must prove, by the greater weight of the evidence, that the defendant’s negligence was a proximate cause of the plaintiff’s [injury] [damage].

Proximate cause is a cause which in a natural and continuous sequence produces a person’s [injury] [damage], and is a cause which a reasonable and prudent person could have foreseen would probably produce such [injury] [damage] or some similar injurious result.

There may be more than one proximate cause of [an injury] [damage]. Therefore, the plaintiff need not prove that the defendant’s negligence was the sole proximate cause of the [injury] [damage]. The plaintiff must prove, by the greater weight of the evidence, only that the defendant’s negligence was a proximate cause.

Finally, as to this (*state number*) issue on which the plaintiff has the burden of proof, if you find by the greater weight of the evidence, that the negligence of the defendant, (*state name of defendant*), in the operation of *his* motor vehicle was a proximate cause of the plaintiff’s [injury] [damage], then it would be your duty to answer this issue “Yes” in favor of the plaintiff.

NEGLIGENCE ISSUE—STIPULATION OF NEGLIGENCE. *(Continued)*

However, if you fail to so find, then it would be your duty to answer this issue “No” in favor of the defendant.