

N.C.P.I.—Civil 809.120
MEDICAL MALPRACTICE PERSONAL INJURY DAMAGES—
FINAL MANDATE (REGULAR)
GENERAL CIVIL VOLUME
JUNE 2012

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(Use for medical malpractice claims filed on or after 1 October 2011. If a per diem argument is made, use N.C.P.I.—Civil 809.122. For all claims filed before 1 October 2011, use N.C.P.I.—Civil 810.20 or 810.22.)

I instruct you that your findings on this *(state number)* issue must be based on the evidence and the rules of law I have given you with respect to the measure of damages. You are not required to accept the amount of damages suggested by the parties or their attorneys.

Your award must be fair and just. You should remember that you are not seeking to punish either party, and you are not awarding or withholding anything on the basis of sympathy or pity.

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 the amount of economic damages proximately caused by the negligence of the defendant, then, as I have instructed you, it would be your duty to write that amount in the blank space provided for "Economic Damages." If you find by the greater weight of the evidence the amount of non-economic damages proximately caused by the negligence of the defendant, then it would be your duty to write that amount in the blank space provided for "Non-economic Damages." You would then write the total of those two amounts of actual damages on the verdict sheet in the blank space provided for "Total Damages."

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If, on the other hand, you fail to find any amount of actual damages,
then it would be your duty to write a nominal sum such as "One Dollar" in
the blank space on the issue sheet for "Total Damages."