

N.C.P.I.—Civil—810.44A  
 WRONGFUL DEATH DAMAGES—MEDICAL EXPENSES—STIPULATION  
 GENERAL CIVIL VOLUME  
 JUNE 2013

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 810.44A WRONGFUL DEATH DAMAGES—MEDICAL EXPENSES<sup>1</sup>—  
 STIPULATION

*(Use for claims arising on or after 1 October 2011<sup>2</sup> when there is a stipulation as to both the reasonableness of the amount of expenses and the causal nexus of the expenses to the conduct at issue. For claims arising before 1 October 2011, use N.C.P.I.—Civil 810.44.)*

Medical expenses include all [hospital] [doctor] [drug] [*state other expenses*] bills reasonably incurred<sup>3</sup> by (*name deceased*) as a [proximate result of the negligence] [result of the wrongful conduct] of the defendant.

The parties have agreed and stipulated that (*name deceased*)'s reasonable medical expenses are \$\_\_\_\_\_. Because the parties have so agreed, you are to take this fact as true for purposes of this case.

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1 N.C. Gen. Stat. § 28A-18-2(b)(1).

2 See 2011 N.C. Sess. Laws 317 § 1.1 (modifying 2011 N.C. Sess. Laws 283 § 4.2).

3 *NOTE WELL:* N.C. R. Evid. 414 limits medical expenses evidence to amounts actually paid to satisfy the bill or, if not yet paid, the amount that would satisfy the bill: "Evidence offered to prove past medical expenses shall be limited to evidence of the amounts actually paid to satisfy the bills that have been satisfied, regardless of the source of the payment, and evidence of the amounts actually necessary to satisfy the bills that have been incurred but not yet satisfied. This rule does not impose upon any party an affirmative duty to seek a reduction in billed charges to which the party is not contractually entitled." The Rule does not change existing law that the fact that medical expenses were paid by the deceased's employer, his medical insurer, or some other collateral source generally does not deprive the plaintiff of the right to recover them. See *Cates v. Wilson*, 321 N.C. 1, 5, 361 S.E.2d 734, 737 (1987); *Fisher v. Thompson*, 50 N.C. App. 724, 731, 275 S.E.2d 507, 513 (1981).

