

**CIVIL STOCK JURY
INSTRUCTIONS**

INSTRUCTION NO. 1

STATEMENT OF THE CASE.

Please pay close attention to these instructions. These instructions include both general instructions and instructions specific to the claims and defenses in this case. You must consider all the general and specific instructions together. You must all agree on your verdict, applying the law, as you are now instructed, to the facts as you find them to be.

INSTRUCTION NO. 2

These instructions contain the law that you must use in deciding this case. No single instruction states all the applicable law. All the instructions must be read and considered together.

You must not be concerned with the wisdom of any rule of law. Regardless of any opinion you may have as to what the law should be, it would be a violation of your sworn duty to base a verdict upon any other view of the law than that given in the instructions of the Court.

The Court does not, by these instructions, express any opinions as to what has or has not been proved in this case, or to what are or are not the facts of the case.

INSTRUCTION NO. 3

1. The parties each have the burden of proving its claims by a preponderance of the evidence.
2. The parties also each have the burden of proving each of its affirmative defenses by a preponderance of the evidence.
3. To prove something by a “preponderance of the evidence” means to prove that it is more probably true than not.
4. “Burden of proof” means the obligation the party has to prove its claim or defense by a preponderance of the evidence. The party with the burden of proof can use evidence produced by any party to persuade you.
5. If a party fails to meet its burden of proof as to any claim or defense or if the evidence weighs so evenly that you are unable to say that there is a preponderance on either side, you must reject that claim or defense.

INSTRUCTION NO. 4

Any finding of fact you make must be based on probabilities, not possibilities. You should not guess or speculate about a fact.

INSTRUCTION NO. 5

The evidence in this case consists of sworn testimony of all the witnesses, all exhibits which have been received in evidence, all facts which have been admitted or agreed to, and all presumptions stated in these instructions.

In deciding the facts, you must consider only the evidence received at trial. Evidence offered at the trial and rejected or stricken by the Court must not be considered by you. Statements, remarks, arguments, and objections by counsel and remarks of the Court not directed to you are not evidence.

You are to consider only the evidence in the case and the reasonable inferences from that evidence. An inference is a deduction or conclusion that reason and common sense leads the jury to draw from other facts that have been proved.

INSTRUCTION NO. 6

Evidence may be either direct or circumstantial. Circumstantial evidence is the proof of facts or circumstances from which the existence or nonexistence of other facts may reasonably be inferred. All other evidence is direct evidence. The law makes no distinction between the effect of direct evidence and circumstantial evidence.

INSTRUCTION NO. 7

The weight of evidence is not necessarily determined by the number of witnesses testifying to a particular fact.

INSTRUCTION NO. 8

You must not be influenced by sympathy, bias, or prejudice for or against any party in this case.

INSTRUCTION NO. 9

You are the sole judges of the credibility of the witnesses and the weight to be given their testimony. You should take into consideration their means of knowledge, strength of memory and opportunities for observation; the reasonableness or unreasonableness of their testimony; the consistency or lack of consistency in their testimony; their motives; whether their testimony has been contradicted or supported by other evidence; their bias, prejudice or interest, if any; their manner of demeanor upon the witness stand; and all other facts and circumstances shown by the evidence which affect the credibility of the witnesses.

Based on these considerations, you may believe all, part or none of the testimony of a witness.

INSTRUCTION NO. 10

A witness qualified as an expert by education, training, or experience may state opinions. You should judge expert testimony just as you would judge any other testimony. You may accept it or reject it, in whole or in part. You should give the testimony the importance you think it deserves, considering the witness' qualifications, the reasons for the opinions, and all of the other evidence in the case.

INSTRUCTION NO. 11

The lawyers have highlighted or colored certain parts of some exhibits. However, it is for you to determine the significance of any highlighted or colored parts.

INSTRUCTION NO. 12

Certain testimony has been transcribed and read or has been video recorded and will be introduced into evidence from a deposition. A deposition is testimony taken under oath before the trial. You must consider that testimony as if the witness had given it from the witness stand.

INSTRUCTION NO. 13

As I told you at the beginning of the case, the parties stipulated or agreed to the existence of multiple facts. This agreement makes the presentation of any evidence to prove this fact unnecessary. The agreement means that you must accept these facts as true.

The parties have stipulated to the following facts:

- 1.

INSTRUCTION NO. 14

Substantive law instructions begin here.

INSTRUCTION NO.

In your deliberations, your duty is to apply the Court's instructions of law to the evidence that you have seen and heard in the courtroom. You are not allowed to look at, read, consult, or use any material of any kind, including any dictionaries or medical, scientific, technical, religious, or law books or materials, or the Internet in connection with your jury service. I want to emphasize that you must not seek or receive any information about this case from the Internet, which includes Google, Wikipedia, blogs, and any other website. You are not allowed to do any research of any kind about this case.

Do not use any information from any other source concerning the facts or the law applicable to this case other than the evidence presented and the instructions that I give you. Do not do your own investigation about this case.

INSTRUCTION NO.

After closing arguments by the parties, the bailiff will escort you to the jury room. After you get to the jury room, you shall elect one of your members to be the foreperson of the jury. That person will be in charge of your discussions. You must all agree on your verdict, and you must sign the original form of whatever verdict you reach.

Please notify the bailiff when you have reached a verdict, but do not tell the bailiff what your verdict is. You shall keep the verdict forms, these instructions, and the exhibits until I give you further instructions.

INSTRUCTION NO.

Once you begin your deliberations, if you have a question about the evidence in this case or about the instructions that you have been given, your foreperson should write the question on a piece of paper, sign it, and give it to the bailiff who will bring it to me.

I will then confer with the attorneys as to the appropriate way to answer your question. However, there may be some questions that, under the law, I am not permitted to answer. If it is improper for me to answer the question, I will tell you that. Please do not speculate about what the answer to your question might be or why I am not able to answer a particular question.