

# **Table of Contents**

## **CHAPTER 1. ABUSE OF PROCESS**

### **I. OVERVIEW**

- § 1:1 Elements
- § 1:2 Limitations
- § 1:3 Claims
- § 1:4 Remedies
- § 1:5 Defenses
- § 1:6 Jury instructions
- § 1:7 Jury verdicts and settlements—Landlord-tenant dispute
- § 1:8 Plaintiff asserted that police officer violated his constitutional and civil rights when pulling over his vehicle and conducting an illegal search and then engaging in malicious prosecution against him

### **II. FORMS**

- § 1:9 Pleadings and motions—Complaint
- § 1:10 — —Landlord-tenant dispute
- § 1:11 — —Including allegation of civil rights violation
- § 1:12 —Answer with affirmative defenses
- § 1:13 —Brief in support of motion to dismiss and/or motion for summary judgment
- § 1:14 Jury instructions
- § 1:15 Special verdict

## **CHAPTER 2. ANIMAL ACTIONS—DAMAGE CAUSED BY DOG**

### **I. OVERVIEW**

- § 2:1 Elements
- § 2:2 Limitations
- § 2:3 Claims—Generally
- § 2:4 —Liability under Wis. Stat. § 174.02(1)—Generally
- § 2:5 — —Owner
- § 2:6 —Common-law negligence
- § 2:7 Remedies
- § 2:8 Defenses
- § 2:9 Jury instructions
- § 2:10 Jury verdicts and settlements—Dog bites minor; owner pays \$71K

- § 2:11 —Duplex owner liable for dog-bite injuries caused by manager's dogs
- § 2:12 —Toddler mauled by Great Dane receives \$80K settlement
- § 2:13 —Minor receives \$27K for facial dog bite
- § 2:14 —Cat bite results in \$1K settlement
- § 2:15 —Jury awards mother, minor child \$19K for dog attack

## II. FORMS

- § 2:16 Pleadings and motions—Complaint
- § 2:17 — —Another form
- § 2:18 — —For injuries to child and mother
- § 2:19 —Complaint by worker's compensation carrier against cat owner
- § 2:20 —Third party complaint
- § 2:21 —Answer with affirmative defenses
- § 2:22 —Answer with counterclaim
- § 2:23 —Motion for summary judgment
- § 2:24 —Plaintiff's pretrial report
- § 2:25 —Defendants' pretrial report including motion *in limine*
- § 2:26 —Motion in limine
- § 2:27 —Plaintiff's offer of settlement
- § 2:28 —Defendants' offer of judgment
- § 2:29 —Petition for order approving a minor settlement
- § 2:30 —Petition for approval of minor settlement—Notarized
- § 2:31 Pleadings and motion—Petition for approval of settlement
- § 2:32 Jury instructions—Negligence of victim
- § 2:33 —Injury to minor
- § 2:34 Special verdict—Injury to minor
- § 2:35 —Negligence of victim

## CHAPTER 3. CONTRACT ACTIONS— BREACH OF CONTRACT, UNJUST ENRICHMENT, AND QUANTUM MERUIT

### I. OVERVIEW

- § 3:1 Elements
- § 3:2 Limitations
- § 3:3 Claims—Generally
- § 3:4 —Breach of duty of good faith and fair dealing

## TABLE OF CONTENTS

|        |                                                                                           |
|--------|-------------------------------------------------------------------------------------------|
| § 3:5  | —Unjust enrichment and quantum meruit                                                     |
| § 3:6  | Remedies—Generally                                                                        |
| § 3:7  | —Rescission                                                                               |
| § 3:8  | —Reformation                                                                              |
| § 3:9  | —Specific performance and injunctions                                                     |
| § 3:10 | Defenses—Generally                                                                        |
| § 3:11 | —Waiver                                                                                   |
| § 3:12 | —Frustration of purpose                                                                   |
| § 3:13 | —Acts or breach by plaintiff                                                              |
| § 3:14 | —Impossibility                                                                            |
| § 3:15 | —Voidable contracts                                                                       |
| § 3:16 | —Mutual mistake of fact                                                                   |
| § 3:17 | —Accord and satisfaction                                                                  |
| § 3:18 | —Illegality                                                                               |
| § 3:19 | Jury instructions                                                                         |
| § 3:20 | Jury verdicts and settlements—Plaintiff Pays \$22.7K<br>for Ill-Performing Software       |
| § 3:21 | Jury instructions and settlements—Jury award \$103K<br>for negligent misrepresentation    |
| § 3:22 | Jury verdicts and settlements—Jury awards \$88.7K<br>for breach of purchase agreement     |
| § 3:23 | —Home Owner Nets \$33K for Unfinished<br>Rehabilitation Work                              |
| § 3:24 | —Insurer pays \$175K for hail damage to roof                                              |
| § 3:25 | —Breach of oral contract to reclaim farmland returns<br>\$14.4K                           |
| § 3:26 | —Court awards \$302K for breach of repayment<br>agreement                                 |
| § 3:27 | —Jury awards \$35K to home sellers for breach of<br>contract                              |
| § 3:28 | —Jury denies breach of contract claim regarding<br>technical specifications               |
| § 3:29 | —Court awards \$31.9K for breach of construction<br>contract                              |
| § 3:30 | —Jury awards \$344,551.53 to plaintiff for breach of<br>contract                          |
| § 3:31 | —Medical equipment breach of contract claim settles<br>for \$75K                          |
| § 3:32 | Court awards painting, decorating services company<br>\$12.8K for unjust enrichment claim |
| § 3:33 | Jury verdicts and settlements—Jury awards \$5.9K for<br>breach of contract                |

## II. FORMS

|        |                                                                         |
|--------|-------------------------------------------------------------------------|
| § 3:34 | Pleadings and motions—Complaint—Breach of<br>contract—Unjust enrichment |
|--------|-------------------------------------------------------------------------|

- § 3:35 — —Breach of contract and unjust enrichment
- § 3:36 — —Breach of contract—Contractor’s claim against subcontractor
- § 3:37 — —Unjust enrichment
- § 3:38 — —Failure to pay account; breach of contract; unjust enrichment
- § 3:39 — —Breach of contract—Unjust enrichment
- § 3:40 — —Quantum meruit
- § 3:41 Pleadings and Motions—Complaint—Breach of contract—Work done on construction job
- § 3:42 Pleadings and motions—Complaint for breach of contract and misrepresentation
- § 3:43 —Complaint—Breach of contract for sale of house
- § 3:44 — —Hail damage
- § 3:45 —Failure to pay for construction services
- § 3:46 —Complaint—Failure to pay for services provided
- § 3:47 — —Medical equipment breach of contract claim
- § 3:48 — —Third-party complaint—Medical equipment breach of contract
- § 3:49 —Answer with affirmative defenses
- § 3:50 —Answer with counterclaim
- § 3:51 —Answer with affirmative defenses and counterclaims
- § 3:52 —Answer—Failure to pay account; breach of contract; unjust enrichment—With counterclaims
- § 3:53 Pleadings and Motions—Answer—Breach of contract claim regarding technical specifications
- § 3:54 Jury instructions—Breach of contract
- § 3:55 —Unjust enrichment
- § 3:56 Special verdict—Breach of offer to purchase
- § 3:57 —Sale of home
- § 3:58 —Demolition contract
- § 3:59 —Breach of contract for sale of house
- § 3:60 —Inventor allegedly breached contract
- § 3:61 —Breach of contract claim regarding technical specifications
- § 3:62 —Failure to pay for services provided
- § 3:63 —Failure to pay account; breach of contract; unjust enrichment
- § 3:64 —Negligent misrepresentation, breach of contract, and unjust enrichment
- § 3:65 Judgment—Breach of contract claim regarding technical specifications
- § 3:66 —Failure to pay for construction services
- § 3:67 —Breach of contract for sale of medical equipment and for indemnification

## TABLE OF CONTENTS

- § 3:68 —Breach of contract—Unjust enrichment
- § 3:69 —Failure to pay account; breach of contract; unjust enrichment

## CHAPTER 4. DEFAMATION

### I. OVERVIEW

- § 4:1 Elements
- § 4:2 Limitations
- § 4:3 Claims—Generally
- § 4:4 —Malice
- § 4:5 —Public figures
- § 4:6 Remedies—Generally
- § 4:7 Damages—Nominal and punitive
- § 4:8 Defenses—Generally
- § 4:9 —Privilege
- § 4:10 —Truth
- § 4:11 Notice to newspaper, magazine or periodical
- § 4:12 Jury instructions
- § 4:13 Jury verdicts and settlements—Jury awards \$3K in punitive damages to woman defamed by neighbor
- § 4:14 —Former golf club member pays \$25K for defamatory statements
- § 4:15 —Business defamed competitor

### II. FORMS

- § 4:16 Pleadings and motions—Complaint
- § 4:17 —Complaint for defamation of business
- § 4:18 —Answer with affirmative defenses
- § 4:19 —Answer with counterclaim
- § 4:20 Pleadings and Motions—Amended answer and counterclaim for defamation
- § 4:21 Pleadings and motions—Brief in support of motion to dismiss
- § 4:22 Jury instructions
- § 4:23 —Defamation of business
- § 4:24 Special verdict
- § 4:25 —Defamation of business
- § 4:26 Judgment

## CHAPTER 5. EMOTIONAL DISTRESS

### I. OVERVIEW

- § 5:1 Elements

- § 5:2 Limitations
- § 5:3 Claims
- § 5:4 Remedies
- § 5:5 Defenses
- § 5:6 Jury instructions
- § 5:7 Jury verdicts and settlements—Court awards \$3.9M  
for assault on pregnant ex-wife
- § 5:8 —Steakhouse pays \$395K for chef's food—  
Contamination stunt
- § 5:9 —Shared negligence in sidewalk bike/car collision
- § 5:10 —\$60K settlement for minor's dog bite injuries
- § 5:11 —Defense verdict for confrontation with former in-laws
- § 5:12 —Rottweiler attacks minor at family picnic

## II. FORMS

- § 5:13 Jury verdicts and settlements—Post-concussion  
syndrome and aggravated emotional distress
- § 5:14 Pleadings and motions—Complaint
- § 5:15 — —Dog bite
- § 5:16 — —Another form
- § 5:17 — —Nail spa spat
- § 5:18 — —Emotional distress for animal bite
- § 5:19 — —Emotional injuries from automobile accident
- § 5:20 —Answer with affirmative defenses
- § 5:21 — —Another form
- § 5:22 — —With cross claim and counterclaim
- § 5:23 —Brief in support of motion to dismiss
- § 5:24 —Motion in limine
- § 5:25 — —Response
- § 5:26 Jury instructions
- § 5:27 —Adulterating food
- § 5:28 Special verdict
- § 5:29 —Food adulteration
- § 5:30 —Jury awards damages for emotional injuries
- § 5:31 Judgment—Nail spa spat

## CHAPTER 6. FALSE IMPRISONMENT

### I. OVERVIEW

- § 6:1 Elements
- § 6:2 Limitations
- § 6:3 Claims
- § 6:4 Remedies

## TABLE OF CONTENTS

- § 6:5 Defenses
- § 6:6 Jury instructions
- § 6:7 Jury verdicts and settlements—Court awards \$3.9M for assault on pregnant ex-wife
- § 6:8 —Jury awards ex-wife \$250k in assault, battery suit
- § 6:9 —\$3.7K settlement for defamation and false imprisonment

## II. FORMS

- § 6:10 Pleadings and motions—Complaint
- § 6:11 — —Kidnapping and assault
- § 6:12 —Complaint for assault and false imprisonment
- § 6:13 —Third-party complaint
- § 6:14 —Complaint—Alleged false claim of car theft and false imprisonment
- § 6:15 Jury instruction
- § 6:16 Special verdict
- § 6:17 Judgment
- § 6:18 Affidavit in support of motion to enforce settlement
- § 6:19 Stipulation and order for dismissal

## CHAPTER 7. INSURANCE—BAD FAITH

### I. OVERVIEW

- § 7:1 Elements
- § 7:2 Limitations
- § 7:3 Claims—Denial of coverage
- § 7:4 —Duty to settle
- § 7:5 Remedies
- § 7:6 Defenses
- § 7:7 Jury instructions
- § 7:8 Jury verdicts and settlements—Insurer Owes Insured's Wife \$55K for MVA
- § 7:9 Jury verdicts and settlement—Defense verdict in claim against insurer in uninsured motorist benefits case

### II. FORMS

- § 7:10 Pleadings and motions—Complaint
- § 7:11 — —Third-party complaint
- § 7:12 — —Property damage
- § 7:13 — —Post-verdict motion to amend pleadings
- § 7:14 — —Uninsured motorist coverage
- § 7:15 —Answer with affirmative defenses

- § 7:16 —Answer with affirmative defenses and request to bifurcate
- § 7:17 —Intervening defendant's brief in support of its motion to intervene, motion to stay proceedings and motion to bifurcate
- § 7:18 Jury instructions
- § 7:19 Special verdict
- § 7:20 —Uninsured motorist coverage denial

## **CHAPTER 8. LEGAL MALPRACTICE**

### **I. OVERVIEW**

- § 8:1 Elements
- § 8:2 Limitations
- § 8:3 Claims
- § 8:4 Remedies
- § 8:5 Defenses
- § 8:6 Jury instructions
- § 8:7 Jury verdicts and settlements—Father charged with felony wins legal malpractice suit
- § 8:8 —Loss of insurance license

### **II. FORMS**

- § 8:9 Pleadings and motions—Complaint
- § 8:10 — —Another form
- § 8:11 —Complaint relating to loss of insurance license
- § 8:12 —Answer with counterclaim
- § 8:13 —Motion to dismiss
- § 8:14 Jury instructions
- § 8:15 Special verdict
- § 8:16 Judgment—Relating to loss of insurance license

## **CHAPTER 9. LOCAL GOVERNMENT TORT LIABILITY**

### **I. OVERVIEW**

- § 9:1 Elements
- § 9:2 Limitations
- § 9:3 Claims—Generally
- § 9:4 —Exceptions to immunity from liability for discretionary acts
- § 9:5 —Notice of claim
- § 9:6 —Motor vehicle accidents

## TABLE OF CONTENTS

- § 9:7 Remedies
- § 9:8 Defenses—Generally
- § 9:9 —Public officers and employees
- § 9:10 —Fire department immunity
- § 9:11 —Waiver of immunity
- § 9:12 Jury instructions
- § 9:13 Jury verdicts and settlements—Minor injured at Kaukauna city pool settles for \$23K
- § 9:14 —Pedestrian trips over destroyed city signpost; receives \$22K
- § 9:15 —Vehicle strikes minor after bus driver waves minor to cross street

## II. FORMS

- § 9:16 Pleadings and motions—Complaint
- § 9:17 — —Falling in hole
- § 9:18 —Answer with affirmative defenses
- § 9:19 —Answer and motion to dismiss
- § 9:20 Jury instructions
- § 9:21 Special verdict

## CHAPTER 10. MEDICAL MALPRACTICE— NEGLIGENCE

### I. OVERVIEW

- § 10:1 Elements
- § 10:2 Limitations
- § 10:3 Claims—Generally
- § 10:4 —Chapter 655 procedures
- § 10:5 —Medical malpractice mediation
- § 10:6 Remedies
- § 10:7 Defenses
- § 10:8 Jury instructions
- § 10:9 Insurer not liable for contribution/indemnification for med mal judgment
- § 10:10 Jury verdicts and settlements—No negligence for infant's birth injuries
- § 10:11 —Infant suffers fractured skull during delivery; jury awards \$23.2M
- § 10:12 —Defense verdict in medical malpractice claim against bariatric surgeon
- § 10:13 —Jury finds no medical malpractice in death of twin fetuses

- § 10:14 —No medical malpractice in interpretation of chest radiogram of infant
- § 10:15 —Patient receives \$1.4M for surgical injuries to leg
- § 10:16 —Defense verdict in informed consent claim against ophthalmologist
- § 10:17 —Defense verdict for medical malpractice claim
- § 10:18 —Medical malpractice claim for utero death
- § 10:19 —Defense verdict for chiropractic med mal claim
- § 10:20 —Dental med mal claim settles for \$27K
- § 10:21 —Million dollar default judgment in nursing home case
- § 10:22 —Failure to medicate
- § 10:23 —Insurer not liable for contribution/indemnification for medical malpractice judgment

## II. FORMS

- § 10:24 Pleadings and motions—Complaint
- § 10:25 —Complaint for contribution/indemnification for medical judgment
- § 10:26 —Complaint—Medical malpractice claim for utero death
- § 10:27 — —Injured by chiropractor
- § 10:28 — —Dental malpractice and lack of informed consent
- § 10:29 — —Medical malpractice claim based on negligent care of minor
- § 10:30 — —Failure to medicate
- § 10:31 — —Insurer liability for contribution/indemnification for medical malpractice judgment
- § 10:32 —Answer with affirmative defenses
- § 10:33 —Brief in support of motion to dismiss
- § 10:34 Jury instructions
- § 10:35 —Gauze pads left in patient
- § 10:36 Special verdict—Negligent treatment
- § 10:37 —Gauze pads left in patient
- § 10:38 —Infant’s birth injuries
- § 10:39 —Claim against bariatric surgeon
- § 10:40 —Malpractice in death of twin fetuses
- § 10:41 —Medical malpractice claim for utero death
- § 10:42 —Defense verdict for medical malpractice claim
- § 10:43 —Defense for chiropractor malpractice claim
- § 10:44 —Failure to medicate
- § 10:45 —Insurer liability for contribution/indemnification for medical malpractice judgment
- § 10:46 —Indemnification for medical malpractice judgment
- § 10:47 Judgment—Failure to medicate

## TABLE OF CONTENTS

# CHAPTER 11. MOTOR VEHICLES— NEGLIGENCE

## I. OVERVIEW

- § 11:1 Elements
- § 11:2 Limitations
- § 11:3 Claims—Generally
- § 11:4 —Safety statutes
- § 11:5 —Negligence of passenger
- § 11:6 —Common carrier
- § 11:7 Remedies
- § 11:8 Defenses
- § 11:9 Jury instructions
- § 11:10 Jury verdicts and settlements—Jury awards injured motorist \$711K in UIM benefits
- § 11:11 —\$221,000 for motor vehicle accident
- § 11:12 —No negligence for MVA at N. Barker Rd. off-ramp
- § 11:13 —Phantom Driver 80% at Fault for 3-Vehicle MVA
- § 11:14 —Passenger awarded \$398 for U-turn motor vehicle accident
- § 11:15 —Award of \$80K for I-94 Rear-End
- § 11:16 —Pedestrian receives \$140K for parking lot MVA
- § 11:17 —No award for reverse motor vehicle accident
- § 11:18 —Uninsured motorist
- § 11:19 —Motorcyclist gets verdict for \$1,200,000

## II. FORMS

- § 11:20 Pleadings and motions—Complaint
- § 11:21 — —Rear-end collision
- § 11:22 — —Passenger awarded \$398 for U-turn motor vehicle accident
- § 11:23 — —Alleging loss of control of vehicle by defendant
- § 11:24 — —Imputing alleged negligence of minor driver to parent
- § 11:25 — —By passenger in motor vehicle
- § 11:26 — —Motorist striking bicyclist
- § 11:27 — —Motorist striking pedestrian
- § 11:28 — —Rear end collision and speeding
- § 11:29 — —Reverse motor vehicle accident
- § 11:30 — —Uninsured motorist
- § 11:31 — —Motorcycle struck by left-turning vehicle
- § 11:32 —Answer with affirmative defenses
- § 11:33 — —By plaintiff's insurer

- § 11:34 — —Including contributory negligence and failure of service
- § 11:35 —Motion in limine
- § 11:36 —Settlement of minor's claims
- § 11:37 —Petition to establish special needs trust
- § 11:38 Offer of judgment—Passenger awarded \$398 for U-turn motor vehicle accident
- § 11:39 Jury instructions
- § 11:40 —Uninsured motorist
- § 11:41 —Phantom driver
- § 11:42 Special verdict
- § 11:43 —Off-ramp accident
- § 11:44 —Phantom driver
- § 11:45 —Illegal U-turn
- § 11:46 —Rear end collision and speeding
- § 11:47 —Uninsured motorist
- § 11:48 —Illegal left turn
- § 11:49 Pretrial report—Plaintiff's report—Motor vehicle accident
- § 11:50 —Defendants'—Motor vehicle accident
- § 11:51 —Plaintiff's—Rear end accident
- § 11:52 —Defendant's rear end accident
- § 11:53 —Plaintiff's report—Uninsured motorist
- § 11:54 —Defendant's report—Uninsured motorist
- § 11:55 Order for dismissal
- § 11:56 Order for distribution of settlement proceeds

## CHAPTER 12. NUISANCE

### I. OVERVIEW

- § 12:1 Elements
- § 12:2 Limitations
- § 12:3 Claims
- § 12:4 Remedies
- § 12:5 Defenses
- § 12:6 Jury instructions
- § 12:7 Jury verdicts and settlements—Jury rejects allegation that city failed to ensure yield sign was visible
- § 12:8 —Jury finds for lead-paint maker
- § 12:9 —Water and debris diverted to property owner's land

### II. FORMS

- § 12:10 Pleadings and motions—Complaint

## TABLE OF CONTENTS

- § 12:11 — —Change in zoning
- § 12:12 — —Water and debris diverted to property owner's land
- § 12:13 —Answer with affirmative defenses
- § 12:14 — —Answer of nongovernmental defendants
- § 12:15 —Motion in limine
- § 12:16 Jury instructions
- § 12:17 —Plaintiff's proposed jury instructions—Private nuisance
- § 12:18 —Defendants' proposed jury instructions—Private nuisance
- § 12:19 Special verdicts
- § 12:20 Special verdict—Private nuisance

## **CHAPTER 13. POSSESSION OF REAL PROPERTY**

### **I. OVERVIEW**

- § 13:1 Elements
- § 13:2 Limitations
- § 13:3 Claims—Generally
- § 13:4 —Eviction
- § 13:5 Remedies
- § 13:6 Defenses
- § 13:7 Counterclaims
- § 13:8 Jury instructions
- § 13:9 Jury verdicts and settlements

### **II. FORMS**

- § 13:10 Pleadings and motions—Complaint
- § 13:11 —Answer with affirmative defenses
- § 13:12 Jury instructions
- § 13:13 Special verdict

## **CHAPTER 14. PRODUCTS LIABILITY**

### **I. OVERVIEW**

- § 14:1 Elements
- § 14:2 Limitations—Date of manufacture
- § 14:3 —Date of injury
- § 14:4 Claims—Generally
- § 14:5 —Risk-contribution theory

- § 14:6 Remedies
- § 14:7 Defenses
- § 14:8 Jury instructions
- § 14:9 Jury verdicts and settlements—Minivan’s airbag fails to deploy in head-on collision
- § 14:10 —Truck driver settles for \$31K in slip and fall injury from Tire-Step product
- § 14:11 —Steam fitter injured when lifting system malfunctioned
- § 14:12 —Amputation of foot by riding lawnmower
- § 14:13 —Meter Reader Ladder Fall Results in \$48K Settlement
- § 14:14 —Jury awards \$1.8M for scaffolding collapse
- § 14:15 —Defective automobile seat
- § 14:16 —Hunter injured in fall from tree stand

## II. FORMS

- § 14:17 Pleadings and motions—Complaint
- § 14:18 — —Premises liability
- § 14:19 —Amputation of foot by riding lawnmower
- § 14:20 —Complaint—Steam fitter injured when lifting system malfunctioned
- § 14:21 Pleadings and Motions—Complaint—Minivan’s airbag fails to deploy
- § 14:22 Pleadings and motions—Complaint—Wrongful death of painter crushed by articulated boom
- § 14:23 Pleadings and Motions—Complaint—Defective automobile seat
- § 14:24 — —Fall from tree stand
- § 14:25 Pleadings and motions—Answer with affirmative defenses and cross-claims
- § 14:26 — —Alternative form 1
- § 14:27 — —Alternative form 2
- § 14:28 —Answer incorporating answers of co-defendant
- § 14:29 —Brief in support of motion to dismiss
- § 14:30 —Motion for summary judgment
- § 14:31 —Petition for settlement
- § 14:32 —Offer of settlement
- § 14:33 —Offer of judgment
- § 14:34 Jury instructions
- § 14:35 —Defective refrigerator
- § 14:36 Special verdict
- § 14:37 —Scaffolding collapse
- § 14:38 —Fall from tree stand
- § 14:39 —Defective automobile seat

## TABLE OF CONTENTS

- § 14:40 Petition for Approval of Minor Settlement
- § 14:41 Pretrial Report—Plaintiff's report—Defective automobile seat
- § 14:42 Stipulation—Bankruptcy of manufacturer

## CHAPTER 15. SAFE PLACE

### I. OVERVIEW

- § 15:1 Elements
- § 15:2 Limitations
- § 15:3 Claims—Generally
- § 15:4 —Place of employment
- § 15:5 —Public building
- § 15:6 —Owner
- § 15:7 —Notice of unsafe condition
- § 15:8 Remedies
- § 15:9 Defenses—Generally
- § 15:10 —Recreational use
- § 15:11 Jury instructions
- § 15:12 Jury verdicts and settlements—Airline employee settles ramp injury for \$50K
- § 15:13 —Change machine falls on pub patron
- § 15:14 —\$600K to steel delivery driver for leg fractures
- § 15:15 —Shopper trips over garden display, store told to dig up \$95K
- § 15:16 —Parking lot slip, fall returns \$50K
- § 15:17 —Pick'n Save shopper slips, falls
- § 15:18 —Slip and fall on ice
- § 15:19 —Defense verdict for carnival ride injury
- § 15:20 —\$309,637 verdict for plaintiff reduced to \$201,264

### II. FORMS

- § 15:21 Pleadings and motions—Complaint—Injury in parking lot
- § 15:22 — —Slip and fall
- § 15:23 — — —Action by worker's compensation carrier
- § 15:24 — —Falling objects
- § 15:25 — —Carnival ride injury
- § 15:26 Pleading and motions—Complaint—Slip and fall on ice
- § 15:27 Pleadings and motions—Complaint—Tripping over forklift
- § 15:28 —Answer with affirmative defenses
- § 15:29 — —Elevator injury

- § 15:30 —Third-party complaint
- § 15:31 —Answer, counterclaim, and cross-claim of  
subrogated defendant—Tripping over forklift
- § 15:32 —Complaint—Third-party complaint—Action against  
contractor
- § 15:33 —Motion to dismiss and answer
- § 15:34 —Motion to dismiss
- § 15:35 Jury instructions
- § 15:36 Special verdict
- § 15:37 —Employee injury
- § 15:38 —Carnival ride injury
- § 15:39 —Liability
- § 15:40 —Damages
- § 15:41 Stipulation and order for distribution of settlement  
proceeds

## CHAPTER 16. TORTIOUS INTERFERENCE WITH CONTRACT

### I. OVERVIEW

- § 16:1 Elements
- § 16:2 Limitations
- § 16:3 Claims—Generally
- § 16:4 —Intent
- § 16:5 —Improper means
- § 16:6 —Inducing or otherwise causing
- § 16:7 Remedies
- § 16:8 Defenses
- § 16:9 Jury instructions
- § 16:10 Jury verdicts and settlements—Jury awards \$471K  
for breach of implied duty of good faith
- § 16:11 —Jury finds father, daughter both acted maliciously  
in business dispute
- § 16:12 —Jury awards developer \$277K for neighbor's  
interference
- § 16:13 —Court awards \$3.8M for breach of secured credit  
contract

### II. FORMS

- § 16:14 Pleadings and motions—Complaint
- § 16:15 — —Million dollar default judgment in nursing home  
case
- § 16:16 — —Violation of noncompete agreement
- § 16:17 —Complaint for breach of secured credit agreement

## TABLE OF CONTENTS

- § 16:18 —Answer with affirmative defenses
- § 16:19 — —Res judicata
- § 16:20 —Motion to dismiss
- § 16:21 Jury instructions
- § 16:22 Special verdict
- § 16:23 Findings of fact and conclusions of law—Settlement of commercial contract

## CHAPTER 17. WRONGFUL DEATH

### I. OVERVIEW

- § 17:1 Elements
- § 17:2 Limitations
- § 17:3 Claims—Generally
- § 17:4 —Who may sue
- § 17:5 Remedies—Generally
- § 17:6 —Death of children
- § 17:7 Defenses
- § 17:8 Counterclaims
- § 17:9 Jury instructions
- § 17:10 Jury verdicts and settlements—Woman’s death after nursing home stay leads to \$715K award for family
- § 17:11 —Motorcycle passenger fatally injured; family receives \$225K
- § 17:12 —Jury awards motorcyclist’s widow \$334K after fatal MVA
- § 17:13 Jury verdicts and Settlements—Driver of semi-truck with trailer negligently changed travel lanes on interstate highway and struck another vehicle, causing occupants of vehicle to suffer severe personal injuries and resulting in death of a minor passenger
- § 17:14 Jury verdicts and settlements—Fatal Med Mal Claim Returns \$110K
- § 17:15 —Construction death
- § 17:16 —Bicyclist’s death
- § 17:17 —Nursing home
- § 17:18 —Million dollar settlement in wrongful death of articulated boom lift operator
- § 17:19 —Failure to treat patient’s deteriorating post-op condition

### II. FORMS

- § 17:20 Pleadings and motions—Complaint

## ELEMENTS OF AN ACTION

- § 17:21 — —Employee fatally strikes bicyclist
- § 17:22 — —Fatal medical malpractice claim
- § 17:23 — —Construction death
- § 17:24 — —Death of bicyclist in crosswalk
- § 17:25 — —Nursing home death
- § 17:26 — —Failure to treat patient’s deteriorating post-op condition
- § 17:27 —Amended complaint—Failure to treat patient’s deteriorating post-op condition
- § 17:28 —Answer and affirmative defenses
- § 17:29 —Cross-claim
- § 17:30 —Protective order
- § 17:31 —Brief in support of motion in limine
- § 17:32 —Brief in support of motion to dismiss
- § 17:33 —Offer of settlement
- § 17:34 —Motion for approval of minor settlements
- § 17:35 Plaintiffs’ pretrial report
- § 17:36 Defendants’ pretrial report
- § 17:37 Jury instructions
- § 17:38 —Failure to treat patient’s deteriorating post-op condition
- § 17:39 Special verdict
- § 17:40 —Fatal motor vehicle accident
- § 17:41 —Fatal medical malpractice claim
- § 17:42 —Fatal bicycle crash
- § 17:43 —Nursing home death
- § 17:44 —Failure to treat patient’s deteriorating post-op condition
- § 17:45 Second Amended Petition for Approval of Settlement
- § 17:46 Stipulation and Order for Dismissal
- § 17:47 Stipulation and settlement—Construction death
- § 17:48 Defendants’ motion to change verdict and for new trial
- § 17:49 Judgment—Bicyclist’s death
- § 17:50 Order for dismissal

## Table of Laws and Rules

## Table of Cases

## Index