**06.04 VERDICT FORM: LANDOWNER LIABILITY - ELEMENTS WHEN THE CLAIM MAY BE SUBJECT TO THE LIMITS IN AS 09.65.200 (APPLICABLE TO UNIMPROVED LAND) BUT ONE OR MORE ELEMENTS ARE DISPUTED**

**SPECIAL VERDICT**

We, the jury in the above entitled case, answer the questions submitted to us as follows:

1. Did [plaintiff] [pay] [agree to pay] defendant for the right to [use] [occupy] the land?

Answer yes or no. ANSWER:

If your answer to Question 1 is Yes, do not answer Questions 2, 3, 4, 5, or 6. Go to Question 7.

If your answer to Question 1 is No, answer Question 2.

2. [Did plaintiff’s injury occur as a result of a natural condition on the property?]

OR

[Did plaintiff enter the property to engage in recreational activity?]

Answer yes or no. ANSWER:

If your answer to Question 2 is No, do not answer Questions 3, 4, 5, or 6. Go to Question 7.

If your answer to Question 2 is Yes, answer Question 3.

3. Did [defendant] fail to guard against unreasonable risks created by a dangerous condition on the property?

Answer yes or no. ANSWER:

If your answer to Question 3 is No, do not answer any other questions on this form. The foreperson should sign and date the verdict form.

If your answer to Question 3 is Yes, answer Question 4.

4. Did the defendant’s failure constitute gross negligence, reckless misconduct, or intentional misconduct?

Answer yes or no. ANSWER:

If your answer to Question 4 is No, do not answer any other questions on this form. The foreperson should sign and date the verdict form.

If your answer to Question 4 is Yes, answer Question 5.

5. Was the conduct that formed the basis for your answer to Question 4 a substantial factor in causing harm to the plaintiff?

Answer yes or no. ANSWER:

If your answer to Question 5 was No, do not answer any other questions on this form. The foreperson should sign and date the verdict form.

If your answer to Question 5 was Yes, answer Question 6.

6. What are the damages, if any, to the plaintiff that were caused by the defendant’s conduct that formed the basis for your answer to Questions 4 and 5?

[a] Past economic loss $

[b] Past non-economic loss $

[c] Future economic loss $

[d] Future non-economic loss $

TOTAL $

After you answer Question 6, do not answer any more questions on this form. The foreperson should sign and date the verdict form.

7. Was the defendant negligent?

Answer yes or no. ANSWER:

If your answer to Question 7 is no, do not answer any more questions on this form. The foreperson should sign and date the verdict form.

If your answer to Question 7 is yes, answer Question 8.

8. Was the defendant’s negligence a substantial factor in causing harm to the plaintiff?

Answer yes or no. ANSWER:

If your answer to Question 8 is No, do not answer any other questions on this form.

The foreperson should sign and date the verdict form.

If your answer to Question 8 is Yes, answer Question 9.

9. What are the damages, if any, to the plaintiff that were caused by the defendant’s negligence?

[a] Past economic loss $

[b] Past non-economic loss $

[c] Future economic loss $

[d] Future non-economic loss $

TOTAL $

Dated at , Alaska on , 20

Jury Foreperson

**USE NOTE**

This verdict form is intended for use with Instruction 06.03.

AS 09.65.200(a)(1) requires that the injury or death must result from a natural condition on the property, or that the person entered onto the land for recreation. Question Two on the special verdict form addresses this element. As drafted, this verdict form assumes that there is a factual dispute on only one of these alternatives. In that event, the bracketed language addressing that factual dispute will be used in Question 2. If there are factual disputes on both of these alternatives, the verdict form must include both of the bracketed questions in Question 2, and the rest of the verdict form must be altered to account for the choices that are presented in Question 2.

If the plaintiff’s comparative negligence is an issue, or if there are multiple defendants, or if there are multiple tortfeasors for fault apportionment, or if punitive damages are at issue, this verdict form must be modified accordingly. See the verdict forms in Article 3, Negligence.