**03.21B SPECIAL VERDICT FORM – MULTIPLE DEFENDANTS/ THIRD PARTY DEFENDANTS, NO NON-PARTIES**

IN THE \_\_\_\_\_\_\_\_\_\_ COURT FOR THE STATE OF ALASKA

\_\_\_\_\_\_\_\_\_\_ JUDICIAL DISTRICT

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| --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,  Plaintiff,  v.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,  Defendant. | Case No. |

**SPECIAL VERDICT**

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

**(1) Was defendant [name of defendant A] negligent?**

**Answer "yes" or "no." Answer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

If your answer to Question No. 1 was “no,” do not answer Question No. 2. Answer Question No. 3.

However, if your answer to Question No. 1 was “yes”, answer Question No. 2.

**(2) Was defendant [name of defendant A]'s negligence a substantial factor in causing harm to the plaintiff?**

**Answer "yes" or "no." Answer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

If your answer to Question No. 2 was “no”, answer Question No. 3. If your answers to both Question No. 1 and Question No. 2 were “yes”, write [defendant A's name] in one of the spaces provided in Question No. 9. You must now answer Question No. 3.

**(3) Was defendant [name of defendant B] negligent?**

**Answer "yes" or "no." Answer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

If your answer to Question No. 3 was “no,” do not answer Question No. 4. Instead, you must follow the instructions in Question No. 5.

However, if your answer to Question No. 3 was “yes”, answer Question No. 4.

**(4) Was defendant [name of defendant B]'s negligence a substantial factor in causing harm to the plaintiff?**

**Answer "yes" or "no." Answer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

If your answers to both Question No. 3 and Question No. 4 were “yes”, write **"**[defendant B's name]" in one of the spaces provided in Question No. 9. Then follow the instructions in Question No. 5.

**(5) Before you go any further, you must review your answers to the preceding questions.**

The preceding questions included two questions regarding each defendant. For example, questions 1 and 2 relate to defendant (name), and questions 3 and 4 relate to defendant (name). If you answered “yes” to both questions for any defendant, you should have listed the name of that defendant in one of the spaces provided in Question No. 9. If so, you must now answer Question No. 6.

If you did not answer “yes” to both questions for any of the defendants, you should not have listed any names in the spaces provided in Question No. 9. If so, you are finished with your deliberations, and you must not answer any of the other questions on this verdict form. Your foreperson must sign and date this verdict form.

**(6) Was the plaintiff negligent?**

**Answer "yes" or "no." Answer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

If your answer to Question No. 6 was "no," do not answer Question No. 7. Answer Question No. 8. However, if your answer to Question No. 6 was "yes," you must now answer Question No. 7.

**(7) Was the plaintiff's negligence a substantial factor in causing his/her harm?**

**Answer "yes" or "no." Answer: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

If your answer to Question No. 7 was “no”, answer Question No. 8. If your answers to both Question No. 6 and Question No. 7 were “yes”, write the plaintiff’s name in one of the spaces provided in Question No. 9. Then answer Question No. 8.

**(8) The instructions to the previous questions on this form told you to write the names of parties in the spaces in Question No. 9, depending on your answers to certain questions. What are the total damages, if any, to the plaintiff that were caused by the negligence of all of the parties who you have listed in the spaces provided in Question No. 9?**

**(a) Past economic loss: $**

**(b) Past non-economic loss: $**

**(c) Future economic loss: $**

**(d) Future non-economic loss $**

**TOTAL: $**

If the total amount entered in response to Question No. 8 is $0, do not answer any further questions. The foreperson should date and sign this verdict form. However, if you have stated any sum of money in answer to Question No. 8, then you must answer Question No. 9.

**(9) The instructions to the previous questions on this form told you to enter names of parties in the spaces below, depending on your answers to certain questions. For each party whose name that you entered in one of the spaces below, you must determine that party’s percentage of fault for the damages identified in your response to Question No. 8. The total must be equal to 100%. Do not add any additional names to the list, and do not assign percentages of fault to anyone other than the names you entered below in response to the questions on this verdict form.**

**In determining the percentage of fault for each party listed below, you must consider the nature of that party’s conduct, and the extent of the causal relationship between that party’s conduct and the damages that you have identified in response to Question No. 8.**

**Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_%**

**Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_%**

**Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_%**

**TOTAL       100%**

**(10) You must now determine whether the plaintiff is eligible for punitive damages. For each defendant whose name you previously entered in one of the spaces provided in Question No. 9, you must answer the following question: Is the plaintiff eligible for an award of punitive damages from that defendant? Answer “yes” or “no.”**

**Defendant’s Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Answer:\_\_\_\_ (yes or no)**

**Defendant’s Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Answer:\_\_\_\_ (yes or no)**

DATED at , Alaska, this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_.

Foreperson of the Jury

# Directions for Use

This verdict form is intended for use in negligence cases in which there are multiple defendants/third party defendants, and there are no non-parties to whom fault may be allocated pursuant to AS 09.17.080. In cases with one defendant, use Special Verdict Form 3.21A. In cases in which there are non-parties to whom fault may be allocated pursuant to AS 09.17.080, use Special Verdict Form 3.21C.

In a case in which there are third party defendants for fault apportionment pursuant to Alaska Rule of Civil Procedure 14(c), the third party defendants should be treated as defendants for purposes of this verdict form.

This form is drafted for use in a case with two defendants/third party defendants (see questions 1 and 2, and questions 3 and 4). In a case with more than two defendants/third party defendants, the form must be modified to add questions after Question No. 4 to address the liability of the additional defendants/third party defendants, and to add additional spaces in Question No. 10. The instructions within the form also must be modified to account for the additional questions.

In a case in which there are no allegations of comparative fault, this form must be modified to delete questions 6 and 7.

In a case in which there are no allegations of punitive damages, Question No. 10 must be deleted.

In accordance with the procedure for determination of punitive damages awards as set forth in AS 09.17.020, this form does not call for the jury to determine the amount of a punitive damages award. The amount of an award will be determined in a later proceeding.

The “comparative fault” and damages questions (6, 7 and 8) refer to the plaintiff’s “negligence.” Pursuant to AS 09.17.900, the verdict may also be reduced due to other “fault” on the part of the plaintiff, such as failure to mitigate damages. In a case in which the facts include allegations of fault on the part of the plaintiff other than negligence, the form should be modified to take this into account.

See Use Note to Special Verdict Form 3.21C.