20.01B DAMAGES — INTRODUCTORY INSTRUCTION: LIABILITY ADMITTED

The defendant has admitted that (he) (she) (it) is legally responsible for the plaintiff's (injury) (damage) (loss). You must decide how much money, if any, will fairly compensate the plaintiff. I will list for you the items of loss claimed by the plaintiff. You may not assume because I list an item of loss or explain how to measure a particular loss that you are required to make an award for that loss. To make an award for a loss claimed by the plaintiff, you must decide that it is more likely true than not true that:

1. the plaintiff had such an item of loss or is reasonably probable to have such a loss in the future, and

2. the defendant’s conduct was a substantial factor in causing the loss.

(Insert Instruction 3.07 (Substantial Factor) if not already given as part of the liability instructions.)

If both of these things are more likely true than not true for a claimed loss, you must then decide how much money will fairly compensate the plaintiff for that loss. Your award must be based upon evidence and not upon speculation, guesswork, or conjecture.

If you do not conclude that both of these things are more likely true than not true for a claimed loss, you may not make an award for that loss.

**[Option A (to be used in non-personal injury cases):**

The items of loss claimed by the plaintiff are the following:

1.

2. . . .]

**[Option B (to be used in all personal injury cases):**

The items of loss claimed by the plaintiff [fall into two categories known as economic losses and non-economic losses] [are known as economic losses] [are known as non-economic losses].

[The items of economic loss claimed by the plaintiff are: (list items of economic loss claimed).]

The items of non-economic loss claimed by the plaintiff are: (list items of non-economic loss claimed)

I will now explain how to measure each of these claimed items of loss.

# **Use Note**

This instruction introduces all damage instructions in cases where liability of the defendant is admitted.

See Use Note and Comment to Instruction 20.01A.