

DISTRICT COURT, CITY AND COUNTY OF DENVER,
STATE OF COLORADO
1437 Bannock Street
Denver, Colorado 80202

Plaintiff:

vs.

Defendants:

COURT USE ONLY

Case Number:

Courtroom: 275

COURT'S STOCK JURY INSTRUCTIONS - CIVIL

INSTRUCTION NO. _____¹

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

I do not, by these instructions, express any opinions as to what has or has not been proved in the case, or to what are or are not the facts of the case.

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 newspapers, magazines, television and radio broadcasts, dictionaries, 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 all social networking, Google, Wikipedia, blogs, and any other web site. 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.

¹ CJI 4:1, 4:1A

INSTRUCTION NO. _____

Claims of the Parties

INSTRUCTION NO. _____²

The evidence in the case consists of the sworn testimony of all the witnesses, all exhibits which have been received in evidence, all facts which have been admitted or agreed to, all facts and events which have been judicially noticed, 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 which reason and common sense lead the jury to draw from other facts which have been proved.

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.

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

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

² 2 CJI 3:8, 3:9, 3:12, 3:14, 3:17

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

INSTRUCTION NO. _____ 3

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 or demeanor upon the witness stand; and all other facts and circumstances shown by the evidence which affect the credibility of the witnesses.

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's qualifications, the reasons for the opinions, and all of the other evidence in the case.

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

INSTRUCTION NO. _____⁴

- (1) The Plaintiff has the burden of proving the claims by a preponderance of the evidence.
- (2) The Defendant has the burden of proving any 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 a party has to prove their claims or defenses 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 their 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 preponderance on either side, you must reject that claim or defense.
- (6) Any finding of fact you make must be based on probabilities, not possibilities. You should not guess or speculate about a fact.

INSTRUCTION NO. _____

Stipulations

INSTRUCTION NO. _____

<<insert Plaintiff's claims>>

INSTRUCTION NO. _____

<<insert defenses>>

INSTRUCTION NO. _____⁵

The fact that an instruction on measure of damages has been given to you does not mean that the Court is instructing the jury to award or not to award damages. The question of whether or not damages are to be awarded is a question for the jury's consideration.

Difficulty or uncertainty in determining the precise amount of any damages does not prevent you from deciding an amount. You should use your best judgment based on the evidence.

<<INSERT SPECIFICS>>.

INSTRUCTION NO. _____

Definitions

INSTRUCTION NO. _____⁶

The original forms of the written instructions and the exhibits are a part of the court record. Do not place any marks or notes on them. The instructions labeled “copy” may be marked or used in any way you see fit.

The bailiff will now escort you to the jury room. After you get to the jury room you shall select one of your members to be the foreperson of the jury. That person will be in charge of your discussions and shall sign the verdict forms. 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 the Court gives you further instructions.

Once you begin your deliberations, if you have a question about the evidence in this case or about the instructions or verdict forms 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.

DATED: _____20____

BY THE COURT:

Kandace C. Gerdes, District Judge