### IDJI 1.41.4.2 – Companion instruction – defendant’s burden

INSTRUCTION NO. \_\_\_\_\_

In this case, the defendant has alleged that the plaintiff was negligent. On this defense, the defendant has the burden of proof on each of the following propositions:

1. The plaintiff was negligent.
2. The negligence of the plaintiff was a proximate cause of [his/her] own injuries.

You will be asked the following question on the jury verdict form:

Was the plaintiff negligent, and if so was the plaintiff’s negligence a proximate cause of [his/her] injuries?

If you find from your consideration of all the evidence that each of these propositions has been proved, you should answer this question “Yes.” However, if you find that any of these propositions has not been proved, then the defendant has not met the burden of proof required and you should answer this question “No.”