### IDJI 9.05 – Damages for wrongful death

INSTRUCTION NO. \_\_\_

If the jury decides the plaintiff is entitled to recover from the defendant, the jury must determine the amount of money that will reasonably and fairly compensate the plaintiff for any damages proved to be proximately caused by defendant’s negligence.

The elements of damage the jury may consider are:

1. The reasonable cost of the decedent’s funeral.

2. The reasonable value of necessary medical care and expenses incurred prior to the decedent’s death.

3. The reasonable value to the plaintiff of the loss of the decedent’s [services] [training] [comfort] [conjugal relationship] and [society] and the present cash value of any such loss that is reasonably certain to occur in the future, taking into consideration the life expectancy of the plaintiff, the decedent’s age and normal life expectancy, habits, disposition and any other circumstances shown by the evidence.

4. The plaintiff’s loss of financial support from the decedent, and the present cash value of financial support the decedent would have provided to the plaintiff in the future, but for the decedent’s death, taking into account the plaintiff’s life expectancy, the decedent’s age and normal life expectancy, the decedent’s earning capacity, habits, disposition and any other circumstances shown by the evidence.

Death is inevitable. Although the law compensates for the untimeliness of a death caused by another, no damages are allowed for grief or sorrow.

[There can be no recovery for any pain or suffering of the decedent prior to death.]

Comments:

Note: Include bracketed phrase if evidence would be confusing on issue. In usual case, the phrase is unnecessary.