

Exhibit A

1 Ala. Pattern Jury Instr. Civ. 11.28 (3d ed.)

Alabama Pattern Jury Instructions Civil | December 2018 Update
Prepared by the Alabama Pattern Jury Instructions Committee-Civil

Chapter 11. Damages [PL]

APJI 11.28 Wrongful Death [PL]

This is a claim for the wrongful death of (name of decedent).

The damages in this case are punitive and not compensatory. Punitive damages are awarded to preserve human life, to punish (name of defendant) for (his/her/its) wrongful conduct, and to deter or discourage (name of defendant) and others from doing the same or similar wrongs in the future.

The amount of damages must be directly related to (name of defendant)'s culpability, and by that I mean how bad (his/her) wrongful conduct was. You do not consider the monetary value of (name of decedent)'s life because the damages are not to compensate (name of plaintiff) or (name of decedent)'s family from a monetary standpoint because of (his/her) death.

The amount you award is within your discretion based on the evidence and the guidelines in this instruction.

Notes on Use

Use this instruction in all claims for wrongful death.

References

[Ala. Code § 6-5-410 \(1975\)](#) (West's Alabama Code).

[Ala. Code § 6-5-391 \(1975\)](#) (West's Alabama Code) (right of action for death of minor child).

[Hamilton v. Scott, 2018 WL 1224234 \(Ala. 2018\)](#) (per curiam).

[Boudreaux v. Pettaway, 108 So. 3d 486 \(Ala. 2012\)](#).

[Mack v. Carmack, 79 So. 3d 597 \(Ala. 2011\)](#).

[Mobile Infirmary Ass'n v. Tyler, 981 So. 2d 1077 \(Ala. 2007\)](#) (Lyons, J., dissenting).

[Trott v. Brinks, Inc., 972 So. 2d 81 \(Ala. 2007\)](#).

[Ex parte Cincinnati Ins. Co., 689 So. 2d 47 \(Ala. 1997\)](#).


[Campbell v. Williams, 638 So. 2d 804 \(Ala. 1994\)](#).

[Alabama Power Co. v. Turner](#), 575 So. 2d 551 (Ala. 1991).

[Industrial Chemical & Fiberglass Corp. v. Chandler](#), 547 So. 2d 812 (Ala. 1988).

[Eich v. Town of Gulf Shores](#), 293 Ala. 95, 300 So. 2d 354 (1974).

[Airheart v. Green](#), 267 Ala. 689, 104 So. 2d 687 (1958).

West's Key Number Digest, [Death](#) , 78, 81, 95.

2 Michael J. Roberts & Gregory S. Cusimano, [Alabama Tort Law](#) §§ 33.01 to 33.14 (5th ed. 2010).

Jenelle M. Marsh, [Alabama Law of Damages](#) §§ 37.1 to 37.15 (6th ed. 2012).

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