

“DAMAGES-PERSONAL INJURY” INSTRUCTION
GLOBAL ITEMS OF DAMAGES

The Court instructs the jury that if you believe from a preponderance of the evidence that the plaintiff, _____, is *entitled* to recover a *verdict*, then in assessing the losses for which he is entitled to be compensated, it is your duty to take into consideration any or all of the following items which you believe from a preponderance of the evidence have or shall result:

- (1) Any and all bodily injuries sustained by the plaintiff and the extent and duration of such bodily injuries;
- (2) Any and all physical pain the plaintiff has suffered in the past;
- (3) Any and all physical pain the plaintiff, with reasonable certainty, shall *suffer* in the future because of said injuries, and the probable duration or permanency of such pain;
- (4) Any and all suffering or mental anguish the plaintiff has suffered in the past;
- (5) Any and all suffering or mental anguish the plaintiff, with reasonable certainty, shall suffer in the future because of any such injuries, and the probable duration or permanency of such suffering or mental anguish;
- (6) Any and all effects the bodily injuries, pain, inconvenience or suffering have had in the past upon plaintiffs
health and plaintiffs ability to enjoy life, the extent of such losses of his health and ability to enjoy life, and any and all losses of health and ability to enjoy life, which with reasonable certainty plaintiff will suffer in the future because of the effects of said injuries;
- (7) The just, reasonable, and necessary doctor, hospital, and medical expenses incurred by plaintiff as a result
of his injuries;
- (8) The just, reasonable and necessary doctor, hospital, and medical expenses plaintiff shall with reasonable certainty
incur in the future as a result of his injuries;
- (9) Any and all past losses of earnings or earning capacity which plaintiff has lost in the past by reason of being
unable to work as a result of said injuries;
- (10) Any and all loss of earnings or earning capacity and fringe benefits which plaintiff shall with reasonable
certainty lose in the future by reason of being unable to work as a result of said injuries, and the probable
extent and duration of any such future loss of earnings or earning capacity;
- (11) The reasonable value of household services, if any, provided to or for plaintiff,

by reason of plaintiffs injuries, and the reasonable value of household services that with reasonable certainty shall be necessary for plaintiff in the future and the probable extent and duration of any such future household services or expenses;
- (12) In considering the duration or permanency of any such injuries, pain, suffering, or losses, you may take into consideration the plaintiffs probable life expectancy

of _____ more years.

Flannery v. United States, 297 S.E.2d 433 (W.Va. 1982)

Jordan v. Bero, 210 S.E.2d 618 (W.Va. 1974)

Kretzer v. Moses Pontiac Sales, Inc., 201 S.E.2d 275 (W.Va. 1973)