

COMMONWEALTH OF KENTUCKY
13TH JUDICIAL DISTRICT
GARRARD CIRCUIT COURT
CASE NO. 04-CI-00174

FILED
6-13-2007
THIS CASE FILED AND NOTED OF RECORD.
ATTEST *Janice M. Miller*
CLERK GARRARD CIRCUIT COURT

LARRY J. MARTIN
AND DAISY L. MARTIN

Original

PLAINTIFFS

vs

JURY INSTRUCTIONS

GARY OLIVER

DEFENDANT

INSTRUCTION NO. 1

Immediately upon retiring to the jury room, you shall select one of your number as foreperson. Nine or more of you must agree in order to make any determinations required by these Instructions. The nine or more of you who agree on one matter, however, need not be the same jurors who agree on another matter.

If all of you agree on the answers to all of the determinations to which you are required to respond, the foreperson alone can sign for you. Each response upon which you are not unanimous must be signed by the nine or more jurors who are in agreement.

INSTRUCTION NO. 2

You are instructed that the Defendant, Gary Oliver, was obligated to ^{TREAT AND} take such care of the Plaintiffs' horse as an ordinarily prudent person would take of his own horse.

INSTRUCTION NO. 3

Do you believe from the evidence that the Defendant, Gary Oliver, ^{TREATED AND} took such care of the Plaintiffs' horse as an ordinarily prudent person would take of his own horse.

^{TREAT AND} _____ Yes, we the jury find that the Defendant did properly care for the Plaintiffs' horse.

^{TREAT AND} No, we the jury find that the Defendant did not properly care for the Plaintiffs' horse.

OTHERS: J. Foster
Lynne Barker
Betty Pass
Anna Gape
Jon Hancock

Paul Harding
FOREPERSON
James Dickerson
Donna Wood
Dan Neikant
Carol McLean
Loisbie

INSTRUCTION NO. 4

If your answer to Instruction No. 3 above was Yes, return to the courtroom as you have found for the Defendant. If your answer to Instruction No. 3 above was No, please set forth in the space below the amount you find the Plaintiffs have sustained in damages not to exceed the sum of \$12,780.00.

We, the jury award damages against Defendant in favor of Plaintiffs in the sum of \$ 3500.00.

OTHERS:

J. Foster
Leslie Butler
Dotty Pass
Amla Gape
Tom Hancock

FOREPERSON

Paul Hankin
Dan Hinkley
James Dickerson
J. H. Hinkley
Donna Wood
W. E. Caskey

INSTRUCTION NO. 5

If you believe from the evidence that the Defendant, GARY OLIVER, acted intentionally or with reckless disregard for the property rights of the Plaintiffs in his care and treatment of their horse, you may properly award additional damages to punish the Defendant for his misconduct and to deter him and others from such misconduct in the future. If you determine that an award of punitive damages is appropriate in this case, you must

consider a number of factors before arriving at a sum to assess as punitive damages. The factors you are to consider are the following:

- a) the likelihood at the relevant time that serious harm would arise from the Defendant's misconduct;
- b) the degree of the Defendant's awareness of that likelihood;
- c) the profitability of the misconduct to the Defendant;
- d) the duration of the misconduct and any concealment of it by the Defendant; and,
- e) any actions by the Defendant to remedy the misconduct once it became known to the Defendant.

If you award punitive damages, you will state the amount specifically awarded to compensate Plaintiffs as follows:

We the jury award punitive damages against Defendant in the sum of: \$ 0.00.

OTHERS: J. Foster
Losie Barker
Petty Pass
Tom Hargrett
Dan Neshin
James Dickerson

Jack Anderson
FOREPERSON
J. [Signature]
Donna Wood
Chris [Signature]
W. [Signature]

