

1722 DAMAGES FROM NONCONCURRENT OR SUCCESSIVE TORTS

Subdivision ___ of question ___ asks what sum will fairly and reasonably compensate (plaintiff) for any damages (plaintiff) incurred in the accident involving (plaintiff) and (defendant).

Where a person has received injuries from separate acts which are not related to each other, the total damages sustained by the injured person must be divided among the separate acts which caused such damages.

You should not be concerned that you cannot divide the damages exactly or with mathematical precision. In answering this question (these questions), you should use your best judgment based on the evidence received during the trial to determine the damages incurred by (plaintiff) in the accident involving (defendant).

COMMENT

This instruction was originally approved by the Committee in 1963. The instruction and comment were revised in 1983. The comment was reviewed without change in 1990. Editorial changes were made in 1992 to address gender references in the instruction. No substantive changes were made to the instruction.

See Comment to Wis JI-Civil 1722A.