**3116 FAILURE TO COOPERATE: MATERIALITY**

Question     inquires whether the failure of the insured,    , to cooperate with the insurer,    , in its defense was so material as to prejudice    , the insurer.

By your answer to this question, you are to determine whether the (false statements) (false testimony) (were) (was) harmful, injurious, or damaging to    , the insurer, to the extent that it was unable to make a thorough investigation so as to prepare an adequate defense or to make a just settlement.

The burden of proof with respect to this question is upon the insurer,   , who contends that you should answer this question "yes."