

700.01V Questions for Verdict Form Breach of Contract Issues--(Contract Formation Not in Dispute)

[--] Did [plaintiff's name] prove [he] [she] [it] performed [his] [her] [its] obligations under the contract?

YES __ NO __

OR

Did [plaintiff's name] prove [he][she][it] had a valid excuse for not performing the contract?

YES __ NO __

If your answer to question ____ is NO, then your deliberations are complete. You should disregard the remaining numbered questions, and go to Verdict B at the end of this verdict and sign it. If your answer to question ____ is YES, you should then answer question ____.

[--] Did [plaintiff's name] prove [defendant's name] breached the contract by [his][her][its][their] failure to perform [his][her][its][their] obligations under the contract?

YES __ NO __

If your answer to question ____ is NO, then your deliberations are complete. You should disregard the remaining numbered questions, and go to Verdict B at the end of this verdict and sign it. If your answer to question ____ is YES, you should then answer question ____.

[--] Did [plaintiff's name] prove [he][she][it] sustained damages resulting from the _____'s breach?

YES __ NO __

If your answer to question ____ is NO, then your deliberations are complete. You should disregard the remaining numbered questions, and go to Verdict B at the end of this verdict and sign it. If your answer to question ____ is YES, you should then answer question ____.

[--] Did [defendant's name] prove [he][she][they][it] had an affirmative defense for not performing the contract?

YES __ NO __

If your answer to question ____ is NO, then your deliberations are complete. You should disregard the remaining numbered questions, and go to Verdict B at the end of this verdict and sign it. If your answer to question ____ is YES, you should then answer question ____.

Notes on Use

Use this verdict form in conjunction with Instruction 700.01. It is expected that each question will have its own number and they will be arranged logically and numbered in sequence. The instruction assumes all of the itemized/numbered issues are contested, and, if an issue is not contested, it should be eliminated from this verdict form.

Question number 4 should only be used if the defendant has asserted affirmative defenses.

Each issue to be decided by the jury will have a question (found in those instructions with a “V” in the number) which must be included in the single verdict form to be constructed by Court and counsel. The logical sequence of these instructions should result in a complete general verdict. The Court may consider special interrogatories which are not in conflict with these instructions. The set of instructions must end with 700.18V. A sample case with sample instructions and verdict using these instructions can be found at page 73.