

*Ellen Farmer-Lanctot v. Matthew Shand (AC 39817)*

The plaintiff brought this case forward seeking damages for personal injuries sustained as a result of the defendant's alleged negligence. The plaintiff suffered personal injuries as a result of the defendant's allegedly negligent operation of a motor vehicle. The plaintiff claims that on the evening the incident occurred, she and a group of several people were walking down a road in a residential area. At the same time, the defendant was driving his car in the opposite direction. Upon seeing the defendant's headlights, the plaintiff feared she would be struck by the vehicle. To avoid being struck, the plaintiff jumped out of the road into a grassy island in the center of the road. As a result of the jump, the plaintiff fell and broke her arm. The plaintiff now seeks damages for both emotional and physical injuries which she suffered after the incident.

The plaintiff argues that the defendant's negligent driving was the proximate cause of the injuries which she sustained. In response, the defendant raised a special defense claiming that the plaintiff's own negligence was the proximate cause of her injury. The jury returned a general verdict in favor of the defendant. No interrogatories were submitted to the jury. The trial court rendered a judgement in accordance with the jury's verdict. The plaintiff appealed, claiming that the trial court improperly failed to comply with model jury instructions regarding pedestrians crossing through crosswalks in their instructions to the jury.

The issue presented to the Appellate Court in this appeal is whether the trial court properly instructed the jury. The Appellate Court determined that the trial court did provide proper jury instructions. In reaching this conclusion, the Court reasoned that there was no evidence suggesting that the plaintiff was utilizing a crosswalk at the time she sustained her injuries. Rather, the undisputed evidence suggests that the plaintiff was walking in the middle of the road. The plaintiff was not using a crosswalk nor was she crossing the street at a controlled

intersection. The Court found that providing instructions regarding pedestrians using crosswalks would have been improper and misleading to the jury. The Court found that denying the plaintiff's request for such an instruction to the jury was proper because the facts set forth in the record could not support a finding that the plaintiff was using a crosswalk at the time the incident occurred and therefore providing the plaintiff's requested jury instructions would have been improper. The Court determined that the trial court acted properly in this regard and affirmed their decision.

The Court further noted that all of the plaintiff's remaining claims were precluded by the general verdict rule. The Appellate Court noted that, in the present case, the general verdict rule requires the Court to presume that the jury found that the defendant was not negligent. Because the Court concluded that there was no error in the jury instructions regarding the plaintiff's negligence claims, the Court is required to follow the general verdict rule. As the general verdict rule applies in the present case, the Appellate Court is precluded from reviewing any of the plaintiff's other claims regarding jury instructions on contributory negligence.

The Appellate Court determined that the trial court acted properly in instructing the jury and rendering a judgement. The Court therefore affirmed the decision of the trial court.