

**13-302E. Statement of other contentions and denials, causation and burden of proof.**

Related to the above, \_\_\_\_\_ say(s) and [has] [have] the burden of proving that: \_\_\_\_\_.

*(NOTE: List by number each claimed act [and] [or] omission, condition, etc., referenced to specific defendant(s) which is supported by substantial evidence on all other incidental issues such as agency, punitive damages, e.g.,*

1. *Defendant(s)' misconduct shows an utter indifference to, or conscious disregard for, the safety of others; and punitive damages should be awarded.*

2. *Defendant \_\_\_\_\_ was acting within the scope of his employment with defendant \_\_\_\_\_).*

[This] [These] contention(s) [is] [are] denied.

[Also, \_\_\_\_\_ say(s) and [has] [have] the burden of proving that: \_\_\_\_\_ . [This] [These] [is] [are] denied.]

**USE NOTE**

The test for what is appropriate to state as "other contentions" is whether the contention presents an issue which must be answered by the jury in the special verdict form.

[As amended, effective March 1, 2005.]