**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.]