

TRIAL COURT

Tortious Interference and DJ Verdict Form

SUMMARY

This document is a jury verdict form from a trial court case involving claims for invalidation of a trust amendment due to undue influence and for tortious interference with an expected inheritance. The form sets forth the sequential questions the jury must answer, including the elements of each claim and the applicable burdens of proof, such as whether the defendant exerted undue influence, whether the decedent had a fixed testamentary expectation, whether the defendant intentionally interfered through tortious conduct, and whether the plaintiffs suffered damages. It also addresses the affirmative defense of failure to exhaust probate remedies and provides for a damages award if liability is found.

CASE DETAILS

COURT	Trial Court
JURISDICTION	Other
DISPOSITION	other
PROCEDURAL POSTURE	Jury verdict form
PRECEDENTIAL VALUE	other

TOPICS

- undue influence
- torts
- probate
- trusts
- civil procedure

PRACTICE AREAS

- Trusts and Estates
- Torts

QUESTIONS PRESENTED

1. Did the Plaintiffs prove by the greater weight of the evidence that the First Trust Amendment is invalid because it is the product of undue influence exerted by the Defendant over the Decedent?
2. Did the Defendant prove by the greater weight of the evidence that the Decedent made a valid First Trust Amendment?
3. Did Plaintiffs prove by the greater weight of the evidence that the Decedent had a fixed expectation that the Plaintiffs would inherit certain assets from him upon his death?
4. Did Plaintiffs prove by the greater weight of the evidence that Defendant intentionally interfered with the Decedent's expectancy?

5. Did Plaintiffs prove by the greater weight of the evidence that Defendant intentionally interfered with Decedent's expectancy of inheritance through tortious conduct?
6. Did Plaintiffs prove by the greater weight of the evidence that as a result of Defendant's interference, they suffered reasonably certain damages?
7. Did Defendant prove by the greater weight of the evidence that Plaintiffs had an adequate remedy in the probate proceedings and failed to exhaust their probate remedies?

DISPOSITION

other

OPINION

VERDICT FORM We, the jury, return the following verdict: Count I – Invalidate First Trust Amendment 1. Did the Plaintiffs prove by the greater weight of the evidence that the First Trust Amendment is invalid because it is the product of undue influence exerted by the Defendant over the Decedent? YES_____ NO_____ If your answer to Questions 1 is NO, your verdict on Count I is for the Defendant.

Proceed to Question 3. If your answer to Questions 1 is YES, please answer question 2. 2. Did the Defendant prove by the greater weight of the evidence that the Decedent made a valid First Trust Amendment? YES_____ NO_____ If any of your answer to question 2 is YES, your verdict is in favor of Defendant. If your answer to questions 2 is NO, your verdict is in favor of the Plaintiffs Count II – Tortious Interference 3.

Did Plaintiffs prove by the greater weight of the evidence that the Decedent had a fixed expectation that the Plaintiffs would inherit certain assets from him upon his death? YES_____ NO_____ 4. Did Plaintiffs prove by the greater weight of the evidence that Defendant intentionally interfered with the Decedent's expectancy? YES_____ NO_____ 5. Did Plaintiffs prove by the greater weight of the evidence that Defendant intentionally interfered with Decedent's expectancy of inheritance through tortious conduct?

YES_____ NO_____ 6. Did Plaintiffs prove by the greater weight of the evidence that as a result of Defendant's interference, they suffered reasonably certain damages? YES_____ NO_____ If any of your answers to questions 3 through 6 are NO, your verdict on Count II is in favor of Defendant. If your answers to questions 3 through 6 are YES, please answer question 7.

7. Did Defendant prove by the greater weight of the evidence that Plaintiffs had an adequate remedy in the probate proceedings and failed to exhaust their probate remedies? YES_____ NO_____ If your answer to question 7 is YES, your verdict on Count II is in favor of the Defendant. If your answer to question 7 is NO, your verdict on Count II is for the Plaintiff.

Please answer question 8. 8. We award Plaintiffs for Count II tortious interference with an expected inheritance the sum of \$_____. SO SAY WE ALL, this _____day of _____, 2022. _____FOREPERSON