

34.00

DAMAGES--FUTURE DAMAGES--LENGTH OF TIME DAMAGES WILL CONTINUE--DISCOUNT OF DAMAGES--MORTALITY TABLES

34.01 Damages Arising in the Future--Extent and Amount

If you find that [a] [the] plaintiff is entitled to damages arising in the future [because of injuries] [or] [because of future (medical) (caretaking) expenses] [or] [because of loss of earnings] [or] [loss of the services of [name of minor child]] [or] [because of (loss of society) (or) (loss of companionship and sexual relations)], you must determine the amount of these damages which will arise in the future. [If these damages are of a continuing nature, you may consider how long they will continue.] [If these damages are permanent in nature, then in computing these damages you may consider how long the plaintiff (and his spouse) (is) (are) likely to live.] [With respect to a loss of future earnings, you may consider that some persons work all their lives and others do not; that a person's earnings may remain the same or may increase or decrease in the future.]

Notes on Use

The elements of damages used in the first paragraph of this instruction must be consistent with the elements of damages used in other damages instructions, *e.g.*, IPI 30.06-30.09, 31.13, and 32.02-32.04.

This instruction is intended to inform the jury that they should consider the length of time the various elements of damage will continue, point out that earnings may not equal life expectancy and may vary, and lay the basis for the instruction on discounting particular elements of damages to present cash value. *See* IPI 34.02.

The instruction is drawn to cover both temporary and permanent future damages. If there is evidence to support a finding that future damages are continuing but not permanent, use the first sentence of the second paragraph. If there is evidence sufficient to support a finding that future damages are permanent, use the second sentence of the second paragraph. *Buskirk v. Burlington N., Inc.*, 103 Ill.App.3d 414, 431 N.E.2d 410, 412, 59 Ill.Dec. 125, 127 (5th Dist.1982), *cert. denied*, 459 U.S. 910, 103 S.Ct. 217, 74 L.Ed.2d 173 (1982). If the evidence would support both findings, both sentences should be used.

The last paragraph will be used only when there is evidence of a loss of future earnings.

If mortality tables are in evidence, also use IPI 34.04.

On the issue of the use of “value” or “expense” for medical care, treatment and services, see 30.06 Notes on Use.

Comment

See Comment to IPI 32.06 concerning the parent's right to recover for the loss of the services of an unemancipated minor child.