

DEATH

SUBJECTS INCLUDED

Presumptions and proof as to death and survivorship in general
 Actions for causing death

SUBJECTS EXCLUDED AND COVERED BY OTHER TOPICS

Effect of death, and proceedings founded thereon, see CONTRACTS, DESCENT AND DISTRIBUTION, EXECUTORS AND ADMINISTRATORS, ABATEMENT AND REVIVAL, JUDGMENT and other specific topics

Evidence of death, sufficiency for particular purposes, see DESCENT AND DISTRIBUTION and other specific topics

Intoxicants, actions for damages from death caused by, see INTOXICATING LIQUORS

Negligence and wrongful acts causing death as grounds of actions for damages, see CARRIERS, EMPLOYERS' LIABILITY, NEGLIGENCE and other specific topics

For detailed references to other topics, see Descriptive-Word Index

Analysis

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- II. EVIDENCE OF SURVIVORSHIP, ¶5-6.
- III. ACTIONS FOR CAUSING DEATH, ¶7-109.
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I. EVIDENCE OF DEATH.

- ¶1. Presumption as to continuance of life.
- 2. Presumption as to death from absence.
 - (1). In general.
 - (2). Time of death.
 - (3). Matters rebutting presumptions.

I. EVIDENCE OF DEATH.—Continued.

3. Admissibility of evidence as to death.
4. Weight and sufficiency of evidence as to death.

II. EVIDENCE OF SURVIVORSHIP.

- ↪5. Presumptions as to survivorship.
6. Evidence as to survivorship.

III. ACTIONS FOR CAUSING DEATH.**(A) RIGHT OF ACTION AND DEFENSES.**

- ↪7. Nature and form of remedy.
8. What law governs.
9. Constitutional and statutory provisions.
10. Survival of right of action of person injured.
11. Creation of new cause of action.
12. Grounds of action.
13. — In general.
14. — Nature of act or omission causing death.
 - (1). In general.
 - (2). Willful or wanton acts and gross negligence.
15. — Right of action of person injured.
16. — Instantaneous death.
17. — Proximate cause of death.
18. — Loss or injury resulting from death.
 - (1). In general.
 - (2). Loss by parent of services of child.
 - (3). Dependency on decedent for support.
19. Conditions precedent.
20. Defenses.
21. — In general.
22. — Negligence of fellow servant of deceased.
23. — Contributory negligence of deceased.
24. — Contributory negligence of plaintiff or beneficiary.
25. — Satisfaction or release.
26. — Pendency of other action.
27. — Former recovery.
28. Abatement or survival on death of party.
 - 28.1. — In general.
29. — Death of plaintiff or beneficiary.
30. — Death of defendant.
31. Persons entitled to sue.
 - (1). In general.
 - (2). Nonresidents and aliens.
 - (3). Personal representatives.
 - (3.1). — In general.
 - (4). — Foreign administrator.
 - (5). Heirs and next of kin.
 - (6). Surviving husband or wife.
 - (7). Parent.
 - (8). Child or grandchild.

III. ACTIONS FOR CAUSING DEATH.—Continued.

(A) RIGHT OF ACTION AND DEFENSES.—Continued.

- 32. Persons for whose benefit suit may be maintained.
- 33. Persons liable.

(B) JURISDICTION.

- ⊕34. Jurisdiction of cause of action.
 - 34.1. — In general.
 - 35. — Actions under laws of other state or foreign country.

(C) VENUE.

- ⊕36. Venue.

(D) LIMITATIONS.

- ⊕37. Application of general statutes of limitations.
- 38. Special limitations.
- 39. Computation of period of limitation.

(E) PARTIES.

- ⊕40. Plaintiffs.
 - 41. — In general.
 - 42. — Joinder.
 - 43. Defendants.
 - 44. Intervention, addition, or substitution of parties.

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- ⊕45. Declaration, complaint, or petition.
 - 45.1. — In general.
 - 46. — Form and requisites in general.
 - 47. — Act or omission causing death.
 - 48. — Statute giving right of action.
 - 49. — Existence of beneficiaries.
 - ⊕ (1). In general.
 - (2). Pecuniary interest in life of decedent.
 - 50. — Appointment of personal representative.
 - 51. — Compliance with statutory requirements.
 - 52. — Damages.
 - 53. Indictment.
 - 54. Plea or answer.
 - 55. Amended and supplemental pleadings.
 - 56. Bill of particulars.
 - 57. Issues, proof, and variance.

(G) EVIDENCE.

- ⊕58. Presumptions and burden of proof.
 - (1). In general.
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- 59. Admissibility of evidence.
- 60. — In general.
- 61. — Cause of death.
- 62. — Dying declarations.

III. ACTIONS FOR CAUSING DEATH.—Continued.

(G) EVIDENCE.—Continued.

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64. — Loss or injury resulting from death.
65. — Expectancy of life of deceased.
66. — Health and physical condition of deceased.
67. — Earning capacity of deceased.
68. — Character and habits of deceased.
69. — Domestic relations of deceased.
70. — Pecuniary condition of deceased.
71. — Expectancy of life of plaintiff or beneficiary.
72. — Pecuniary condition of plaintiff or beneficiary.
73. — Pecuniary condition of defendant.
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75. — In general.
76. — Cause of death.
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(H) DAMAGES OR COMPENSATION.

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79. Nominal damages.
80. Elements of compensation.
81. — In general.
82. — Suffering of deceased.
83. — Pecuniary losses to deceased.
84. — Medical and funeral expenses.
85. — Pecuniary loss to plaintiff or beneficiary in general.
86. — Loss of prospective pecuniary benefits.
 - (1). In general.
 - (2). Loss of support and education and moral training.
87. — Loss of services.
88. — Loss of society.
89. — Mental suffering of plaintiff or beneficiary.
90. Aggravation of damages.
91. Mitigation or reduction of damages.
92. Interest on damages.
93. Exemplary damages.
94. Measure and amount awarded.
95. — In general.
 - (1). In general.
 - (2). Prospective earnings and accumulations of deceased.
 - (3). Prospective pecuniary benefits to beneficiaries.
 - (4). Loss of services of child.
96. — Statutory limitations.
97. — Discretion of jury.
98. — Inadequate damages.
99. — Excessive damages.
 - (1). In general.
 - (2). Suffering of deceased.
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III. ACTIONS FOR CAUSING DEATH.—Continued.

(H) DAMAGES OR COMPENSATION.—Continued.

⊕99. — Excessive damages.—Continued.

(4). Allowance to surviving husband, wife or children.

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100. Fines.

101. Apportionment and distribution of amount recovered.

(I) TRIAL.

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(5). In general.

(1). Grounds of action in general.

(2). Cause of death.

(3). Defenses.

(4). Damages.

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(1). In general.

(2). Cause of death and negligence.

(3). Expectancy of life of deceased and beneficiaries.

(4). Elements of damages.

(5). Damages for death of minor child.

(6). Measure and amount awarded.

105. Verdict and findings.

106. New trial.

(J) JUDGMENT.

⊕107. In general.

(K) REVIEW.

⊕108. In general.

(L) COSTS.

⊕109. In general.

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