

8.30 DAMAGES — PER QUOD

A. MEDICAL EXPENSES (Approved 2/96)

In the event that the child *[name]* is awarded a verdict, his/her parent is entitled to payment for medical expenses which were reasonably required for the examination, treatment and care of injuries proximately caused by the defendant's negligence (or other wrongdoing). Medical expenses are the costs of doctors' services, hospital services, medicines, medical supplies and medical tests and any other charges for medical services. The amount of payment is the fair and reasonable value of such medical expenses. You have heard testimony on whether these medical expenses were fair and reasonable in amount and whether they were reasonably necessary for the examination, care and treatment of the child. If you determine that any of these bills were not fair and reasonable to any extent, or that any of these services were not reasonably necessary to any extent, you need not award the full amount claimed. In this case, plaintiff *[parent]* is seeking the sum of *[dollar amount]* in medical expenses. As a result, the upper limit of the award which you may make for medical expenses is *[dollar amount]*, since you may not award more than plaintiff *[parent]* is seeking.

Cases:

Simmel v. N.J. Coop Co., 28 N.J. 1 (1958); *Mathias v. Luke*, 37 N.J. Super. 241 (App. Div. 1955); *Schuttler v. Reinhardt*, 17 N.J. Super. 480 (App. Div. 1952).

See cases under Model Civil Charge 8.11A on the collateral source rule.