

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT
CASE TYPE: CIVIL/CONTRACT

Walter Byrd, on behalf
of himself and all others
similarly situated,

Court File No.: CT 00-016055
Judge: Diana Eagon

Plaintiff,

**PLAINTIFF'S PROPOSED
JURY INSTRUCTIONS**

v.

Metropolitan Corporation d/b/a
Prestige Lincoln Mercury, Co.
and all Related Dealerships,

Defendants.

Plaintiff proposes that the Court, in addition to the general charge set forth at p. LII – LV of Minnesota Jury Instruction Guide-Civil (West Publishing, 2002), submit to the jury the following jury instructions related to Plaintiff's Consumer Fraud Act claim:

CIVJIG 57.40

1. "Consumer Fraud" occurs when any business such as the Defendant in this case in the course of selling services such as insurance or warranty contracts:
 - A. Uses any false pretense, or,
 - B. false promise, or,
 - C. false information, or,
 - D. misleading statement, or,
 - E. deceptive practice, or,
 - F. misrepresentations, and
 - G. intends that others would rely on any of the false information.
2. Plaintiff may recover damages for consumer fraud if the false information had a substantial part in causing harm to Plaintiff.

CIVJIG 57.25 (MODIFIED)

In deciding damages, decide the amount of money that will fairly and adequately compensate Mr. Byrd for the damages directly caused by the Defendant Metropolitan Corporation's, d/b/a Prestige Lincoln Mercury, consumer fraud.

Damages for consumer fraud are limited to:

1. The difference between what the Defendants promised to pay the warranty service company for Mr. Byrd, minus what it actually paid to the warranty service company.
2. The difference between what the Defendants promised to pay the credit insurance company for Mr. Byrd, minus what it actually paid to the credit insurance company.
3. Any other damages caused by the consumer fraud.

Dated this _____ day of April, 2002.

Respectfully Submitted,

THE BARRY LAW OFFICE, LTD.

By: _____

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