04.08 WRONGFUL DEATH DAMAGES — MEDICAL AND FUNERAL EXPENSES

The \_\_\_\_\_ item of economic loss claimed by the plaintiff is the reasonable medical and funeral expenses which resulted from the injury or death of [decedent].

# **Use Note**

This instruction should be used where there is a claim for medical and/or funeral expenses.

If a claim is made for future medical expenses, the instruction should be revised to reflect the different rules governing past and future economic losses. *See, e.g.,* Instruction 4.07.

## **Comment**

AS 09.55.580(c) provides that the items of loss which must be considered by the jury include damages for:

(6) medical and funeral expenses.

In *Macey v. United States*, 454 F. Supp. 684 (D. Alaska 1978), the United States District Court for the District of Alaska held that subsection (c) of AS 09.55.580 does not apply to wrongful death actions where there are no statutory beneficiaries. *Macey* did not, however, expressly address the subject of medical and funeral expenses. Nor has that subject been expressly addressed by the Alaska Supreme Court.