**04.06B WRONGFUL DEATH DAMAGES – FUTURE LOSS OF SUPPORT**

The \_\_\_\_\_ item of economic loss claimed by the plaintiff is the future loss of support that [statutory beneficiary] could have reasonably expected to receive from [decedent] from the date of trial to the end of [his][her] ordinary life expectancy. Support includes all forms of economic support, including money and property.

To determine how much money [decedent] would have had available to provide future support, you should do the following: Compute the amount [decedent] could have earned from the date of trial, [insert date], to the end of [his][her] ordinary life expectancy. I will explain in a few minutes how to compute the amount the deceased could have earned. Do not subtract any amount for payment of future income taxes. Do subtract the amount [decedent] would have spent on [himself] [herself] during that period, had [he][she] lived to the end of [his][her] ordinary life expectancy. The remaining amount is what [decedent] would have had available for future support.

Once you have determined the amount of money [decedent] would have had available, you must decide how much of that amount [decedent] would have actually provided for support. In determining the amount of such support, you may consider the willingness of [decedent] to provide support; the extent of the support customarily provided by [decedent] in the past; the support reasonably expected to be provided by a [insert relationship of deceased to the beneficiar[y][ies], e.g., husband to his wife and children]; and how long [the][each] beneficiary would have received such support. You may make an award for support even if [decedent] was not legally required to provide support.

[Any award for future loss of support must be reduced to present cash value. I will explain in a few minutes the meaning of present cash value and how to reduce to present cash value.]

# **Use Note**

This instruction should be used when one or more statutory beneficiaries claim future loss of financial support. This instruction should be followed by Instruction 20.04, which tells the jury how to compute loss of future earning capacity. In a case that involves a claim for economic loss based on support other than monetary contributions (e.g., subsistence), it may be necessary to modify this instruction or Instruction 4.07 (Loss of Assistance or Services).

The only differences between Instructions 04.06A and B are the dates and the provisions regarding taxes and reduction to present value. Depending on the circumstances, the user may find it more convenient to combine these two instructions.

Under AS 09.17.040(c), future economic losses must be adjusted for inflation and reduced to present value, unless the parties have agreed to apply the *Beaulieu* rule. If the parties have not agreed to apply the *Beaulieu* rule, the final bracketed paragraph should be included in the instruction, and the instruction should be followed by Instruction 20.05, which is the general damage instruction on inflation and present value. If the parties have agreed to apply the *Beaulieu* rule, the final bracketed paragraph should be excluded.

## **Comment**

*See* Comment to Instruction 04.03 and 4.06A.