

**45.04A Wrongful Death Act--Survival Act--Verdict Form A—No Contributory Fault**

We, the jury, find for the Estate of \_\_\_\_\_, deceased, and against the following defendants:

\_\_\_\_\_  
Defendant 1                      Yes \_\_\_\_\_                      No \_\_\_\_\_

\_\_\_\_\_  
Defendant 2                      Yes \_\_\_\_\_                      No \_\_\_\_\_

We further find the following:

First: We find that the total amount of damages suffered by the Estate of \_\_\_\_\_, deceased, is \$\_\_\_\_\_, itemized as follows:

[Loss of money, benefits, goods and services]:                      \$ \_\_\_\_\_ \$

[Grief, sorrow and mental suffering]:                      \$ \_\_\_\_\_

[Loss of society] and [loss of sexual relations]:                      \$ \_\_\_\_\_

[(Other damages: insert from 30.04, 30.04.01, 30.05, 30.05.01, 30.06, 30.07, 30.09 or as applicable)]                      \$ \_\_\_\_\_

PLAINTIFF'S TOTAL DAMAGES                      \$ \_\_\_\_\_

\_\_\_\_\_  
Foreperson                      \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Add additional lines for juror signatures*

*Verdict Form, Notes and Comment revised May 2014.*

**Notes on Use**

Use "other damages" if there is a Survival Act count. If there is an issue of contributory fault of decedent only, also use verdict form IPI 45.04B. If there is an issue of contributory fault of a beneficiary alone or a beneficiary and a decedent, also use verdict form IPI 45.04C. Add additional lines on the damage itemization as appropriate if a Family Expense Act claim is part of the plaintiff's case.

## Comment

The Survival Act is not a statutory cause of action, but rather a statute that allows for the continued existence of a cause of action that arose during the lifetime of the decedent. *Myers v. Heritage Enters., Inc.*, 332 Ill.App.3d 514, 773 N.E.2d 787, 266 Ill. Dec. 32 (4th Dist. 2002).