

36.00

NO LIABILITY--NO DAMAGES

36.01 In Absence of Liability--No Occasion to Consider Damages

If you decide for [a] [the] defendant on the question of liability, you will have no occasion to consider the question of damages [as to that defendant].

Comment

This instruction was approved in *Malpica v. Sebastian*, 99 Ill.App.3d 346, 350; 425 N.E.2d 1029, 1032; 54 Ill.Dec. 812, 815 (1st Dist.1981), and in *Misch v. Meadows Mennonite Home*, 114 Ill.App.3d 792, 799; 449 N.E.2d 1358, 1363; 70 Ill.Dec. 754, 759 (4th Dist.1983) (liability still has a place under comparative negligence as established by *Alvis*, “If a defendant is guilty of no negligence, i.e., not liable, there is nothing to compare.”). *See also Bednar v. Commonwealth Edison*, 156 Ill.App.3d 568, 575; 509 N.E.2d 687, 692; 109 Ill.Dec. 26, 31 (3d Dist.1987). *But see Mileur v. Briggerman*, 110 Ill.App.3d 721, 728; 442 N.E.2d 1356, 1361; 66 Ill.Dec. 443, 448 (5th Dist.1982) (liability determined as a matter of law).