Name:

Plaintiff’s Theory of the Case

***REMEMBER:*** A case theory is a **detailed and accurate story** of what occurred in the case at trial. It is how you tell the story of your side of the matter.

In a civil case, Plaintiffs must present a case theory that shows they are entitled to the relief that is sought in their Complaint. Plaintiffs must prove to the jury their theory of the case is *more* true than not true.

**A good case theory is:**

* Based on strong facts and inferences that can be fairly drawn from these facts;
* Built on facts not subject to much, if any, dispute;
* Consistent with any incontestable fact;
* Takes into account and explains away as many unfavorable facts as possible;
* Accepted by the trier of fact without having to stretch the imagination;
* Not based on wishful thinking about any aspect of the case.

Briefly tell the story about what happened from the Plaintiffs’ point of view keeping in mind the points above:

(Continued on back)

What will Plaintiffs’ need to convince the jury?

What might be Plaintiffs’ main themes (words, phrases, ideas to repeat and emphasize to the judge and jury):

1.

2.

3.

4.

5.

6.

How does Plaintiffs’ theory/story connect to the claim of Wrongful Death?