

IN THE _____ COURT OF _____ COUNTY
STATE OF _____

_____)	
)	
)	
Petitioner/Plaintiff,)	
)	
Vs.)	NO. _____
)	
_____)	
Respondent/Defendant)	
)	

MOTION FOR PARTIAL JUDGMENT ON THE ISSUE OF LIABILITY

COME NOW the Plaintiffs, _____, by and through their attorneys of record, _____, and file this their Motion for Partial Summary Judgment on the Issue of Liability. Plaintiffs pray for partial summary judgment on the liability of the Defendant to the Plaintiff.

On the _____ day of _____, 20____, a criminal misdemeanor trial was held in the Municipal Court of _____, _____ regarding whether the defendant driver, _____, was guilty of running a red traffic signal at the intersection of _____ Road and Highway _____. The defendant, _____, was found guilty and the case was not appealed.

The Plaintiffs contend in this motion that the finding in this trial is entitled to the application of the doctrine of collateral estoppel in this action, thus estopping the Defendant from re-litigating in this action the issue of whether its driver ran said red signal.

In support of this motion, Plaintiffs incorporate herein as an exhibit:

1. All written discovery and pleadings propounded, answered or filed in this cause.
2. All depositions taken in this case.
3. The abstract of the conviction of the defendant's driver, _____.
4. Copies of the letters of representation sent to the defendant and defendant driver.
5. A copy of the transcript of the criminal misdemeanor trial held in the Municipal Court of _____, _____.

Alternatively, Plaintiffs are likewise entitled to partial Summary Judgment on liability based on the doctrine of Negligence per se.

Wherefore, Plaintiffs pray that after a hearing on this matter, this Court will issue its Order granting to the Plaintiffs a partial Summary Judgment against the defendant on the issue of liability.

Respectfully submitted,

Dated: _____

Name: _____

Title:

Address:

Address:

City, State, Zip:

Phone:

Fax:

E-Mail:

Attorney No.:

CERTIFICATE OF SERVICE

I, _____, do hereby certify that I have this day mailed,
U.S. Mail, postage prepaid, a true and correct copy of the above and foregoing to
_____, at the following address;

THIS the ____ day of _____, 20____.
