

BURDEN OF PROOF

The standard of proof in a civil case is that a plaintiff must prove (his / her / their / its) case by a preponderance of the evidence. This is a less strict standard than is applied in criminal cases, where the prosecution must prove its case by proof beyond a reasonable doubt. By contrast, in a civil case such as this one, the plaintiff is *not* required to prove the case beyond a reasonable doubt.

In a civil case, the party bearing the burden of proof meets the burden when (he / she / they / it) shows it to be true by a preponderance of the evidence. The standard of a preponderance of the evidence means that a matter has been proved if you determine, after you have weighed all of the evidence, that the matter is more probably true than not true. Stated another way, if you were to put all the credible evidence on opposite sides of a pair of scales, the plaintiff must produce enough evidence to make the scales tip in (his / her / their / its) favor. If the plaintiff fails to do this, you must return a verdict for the defendant.

I will now instruct you regarding the elements of the claim(s)

which the plaintiff must prove by a preponderance of the evidence.

Sargent v. Massachusetts Accident Co., 307 Mass. 246, 250 (1940).