

13-1825. Uniform contribution; settlement with one defendant.

Evidence has been introduced that plaintiff voluntarily settled [his] [her] claim against _____ (*name of released defendant*) and has released _____ (*name of released defendant*) from further liability by reason of the occurrence giving rise to this lawsuit.

If you find in favor of plaintiff and against the defendant _____ (*name of remaining defendant*) then you should assess the full amount of damages which you find to be proper under the evidence and the damages instructions here given to you.

Any offset or reduction in the amount of damages will be made by the court and should not be of concern to you in determining the damages, if any, to be assessed against _____ (*name of remaining defendant*).

USE NOTES

This instruction is to be used only where a joint tortfeasor has been released in conformity with the Uniform Contribution Among Tortfeasors Act, Section 41-3-1 NMSA 1978 et seq. Some adaptation of the instruction will be needed when there are more than two joint tortfeasors involved.

The instruction is not appropriate for use with a "covenant not to sue," nor with a release which does not discharge the remaining parties pro rata in accordance with the act.

The adjustment of the judgment rendered by the jury, by reason of the release, should be made following verdict by the court on the basis of the terms and conditions of the release and the act.

This instruction stands alone and is not an element of UJI 13-1802 NMRA but is to be used when circumstances justify.
[As amended, effective November 1, 1991.]