

13-2219. Comparative negligence; comparison among defendants or non-parties; general verdict.

If you find that plaintiff's injury was caused by a combination of negligence of more than one person, you must determine the amount of damages to be awarded as follows:

First: In accordance with the damage instructions I have given you, determine the total amount of damages suffered by the plaintiff.

Second: Compare the negligence, if any, of [plaintiff(s)] [beneficiary(ies)] [and] [defendant(s)] [and] [non-parties] and determine a percentage for each. The percentage for any one or more of the persons named may be zero if you find that such person was not negligent or that any negligence on the part of such person was not a cause of damage. The total of the percentages must equal 100% for the persons whose negligence did cause the damage.

Third: Multiply the percentage of each defendant times the plaintiff's total damages. This gives you the amount of damages to be awarded to plaintiff against each defendant on the line provided in the appropriate verdict form. If the percentage found for [any one] defendant is zero, then the verdict as to [that] defendant will be for [that] defendant and against the plaintiff(s).

USE NOTES

This instruction is to be used only when comparative negligence is an issue in the lawsuit and the court is submitting the case on a general verdict without special interrogatories. This instruction is to be used only in cases where there is an issue of apportionment of negligence among defendants or non-parties. The persons whose negligence is to be compared in the second paragraph should be stated by name. See *also* the Use Note under UJI 13-2220 NMRA regarding choice of verdict forms and modifications that may be necessary.

[As amended, effective March 1, 2005.]