

**13-1424A. Independent intervening cause; products liability.**

An independent intervening cause interrupts and turns aside a course of events and produces that which was not foreseeable as a result of an earlier act or omission.

USE NOTES

This instruction is to be used when the evidence presents an issue with regard to an independent intervening cause. This instruction is a companion instruction to UJI 13-1424 NMRA. *Torres v. El Paso Electric Co.*, 1999-NMSC-029, 127 N.M. 729, 987 P.2d 386, dramatically limits the application of independent intervening cause under New Mexico law. The clause is to be used when there is an unforeseeable force, not in operation at the time the defendant acted, that is not a concurrent cause of the plaintiff's injury. *Chamberland v. Roswell Osteopathic Clinic, Inc.*, 2001-NMCA-045, 130 N.M. 532, 27 P.3d 1019. Independent intervening cause is not appropriate when a defendant is merely arguing lack of causation.

[Adopted by Supreme Court Order No. 11-8300-003, effective March 21, 2011.]