

**13-1802B. Suit against original tortfeasor; divisibility of injuries not in dispute; medical treatment.**

In this case, if you find that \_\_\_\_\_ (*one or more original tortfeasors*) [was] [were] negligent and caused injury to the plaintiff, [he] [she] [it] [they] [is] [are] also responsible for any harm caused by medical care that the plaintiff's injury reasonably required, even if the medical care was negligently performed.

USE NOTES

This instruction, intended to be a part of UJI 13-1802 NMRA, is to be given in a successive tortfeasor case where the successive tortfeasor is not a party and the court determines that the tortfeasor responsible for the original injury is also liable for the additional harm caused by subsequent medical treatment for the original injury. If, however, an enhanced injury is so remote in time or likelihood that its foreseeability may not be presumed as a matter of law, the jury would be required to determine the foreseeability of the injury before attributing the total damages to the original tortfeasor. See *Lewis v. Samson*, 2001-NMSC-035, ¶ 33, 131 N.M. 317, 35 P.3d 972. [Approved by Supreme Court Order No. 07-8300-036, effective February 1, 2008.]