

13-2218. Comparative negligence; no comparison among defendants or non-parties; general verdict.

If you find that plaintiff's injury was caused by a combination of negligence of the defendant and negligence of the plaintiff, 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 of plaintiff and defendant and determine a percentage for each so that the total of the percentages equals 100%.

Third: Reduce the plaintiff's total damages by the percentage of plaintiff's negligence. This gives you the amount of damages to be awarded to plaintiff in your verdict.

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. If there is no evidence of plaintiff's negligence then there is no need for this instruction. This instruction is to be used only in cases where there is no apportionment of negligence among defendants or non-parties. 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.]