

13-1618. Act of God.

The defendant contends that the accident and the claimed damages resulted from an act of God. An act of God is an unusual, extraordinary, sudden and unexpected manifestation of the forces of nature for which no human is responsible.

The defendant is not liable if you find that an act of God was the sole cause, and would have caused the accident and claimed damages regardless of whether the defendant was negligent. Defendant is liable, on the other hand, if you find that the accident and damages could have been avoided by defendant in the exercise of ordinary care under the circumstances of the act of nature.

USE NOTES

This instruction will be used only when the act of God may be found to be the sole cause. An act of God is not compared under the special verdict, as it is either a complete defense or not an issue in the case.

[As amended, effective November 1, 1991; March 1, 2005.]