### IDJI 10.06 – Products liability – failure to warn – issues

INSTRUCTION NO. \_\_\_\_\_

 The plaintiff has the burden of proving each of the following propositions:

1. The defendant [sold] [manufactured] the product; and
2. The defendant knew or should have known that danger to users [or bystanders] could result from a particular use of the product; and
3. The defendant failed to give adequate warning of such danger; and
4. The failure to give adequate warning was a proximate cause of injury to the plaintiff; and
5. The nature and extent of the injuries, the elements of damage, and the amount thereof.

You will be asked the following question on the jury verdict form:

[Insert verdict question]

 If you find from your consideration of all of the evidence that each of these propositions has been proved, then you should answer the question “Yes.” If any of these propositions has not been proved, you should answer this question “No.”

Comments:

Puckett v. Oakfabco, Inc., 132 Idaho 816, 979 P.2d 1174 (1999); Rindlisbaker v. Wilson, 95 Idaho 752, 519 P.2d 421 (1974); Restatement (Second) Torts, § 402A, comment h (1977).