### IDJI 10.10.2 Products liability defense – knowledge of the risk

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

Under the defense that plaintiff had knowledge of the risk as a basis for comparative fault, the defendant has the burden of proving each of the following:

1. The user of the product knew of the defective condition and voluntarily used the product anyway; and
2. In using the product, the user did not act as an ordinary reasonably prudent person; and
3. The use of the product was a proximate cause of the injuries or damages to the plaintiff.

Comments:

Idaho Code §6-1305(2).