### IDJI 6.48 – Definition of joint enterprise

INSTRUCTION NO. \_\_\_\_

 One of the issues to be decided by you is whether \_\_\_\_(name)\_\_\_and \_\_\_\_(name)\_\_\_ were engaged in a joint enterprise. A joint enterprise exists if all of the following elements are present:

 (1) an agreement, express or implied, between two or more persons to carry out a common purpose as a group;

 (2) a community of pecuniary interest in the common purpose shared among each member of the group; and

 (3) an equal voice in the control of the enterprise held by each member of the group.

 The phrase "community of pecuniary interest" means that the common purpose of the enterprise must be the accomplishment of a commercial or business objective, carried out for the mutual profit of the group. It is not present where the purposes of the individual members of the group are separable or entirely personal to the individuals or their families, even if the separate purposes or personal purposes are pecuniary gain.

Comments:

 *See* Easter v. McNab, 97 Idaho 180, 541 P.2d 604 (1975); Maselli v. Ginner, 119 Idaho 702, 809 P.2d 1181 (Id. App. 1991)