### IDJI 6.14.3 - Affirmative defense - prevention of performance

INSTRUCTION NO. \_\_\_

 The defendant has asserted the defense of prevention of performance. The defendant has the burden of proving that the plaintiff unreasonably prevented or substantially hindered the defendant's performance of the contract. If this affirmative defense is proved, the defendant is excused from performance.

Comment:

Sullivan v. Bullock, 124 Idaho 738, 742-743n.2 (Ct. App. 1993); Fergerson v. City of Orofino, 131 Idaho 190, 193, (Ct. App. 1998)