### IDJI 10.04 - Issues – Products liability case – strict liability

INSTRUCTION NO. \_\_\_\_

Under the theory of strict liability, the plaintiff has the burden of proving each of the following:

1. The defendant [Name] was a “product seller” with respect to the product involved in this case;
2. The product was in a defective and unreasonably dangerous condition when it left the hands of the defendant;
3. The defective condition was a proximate cause of injuries [damages] sustained by the plaintiff; and
4. The nature and extent of the injuries, the elements of damage, and the amount thereof.

Comments:

Restatement (2d) of Torts §402A. But see Idaho Code §6-1405(4), which puts the burden of proving a change in condition of the product upon the defendant.

This instruction is addressed specifically to actions arising under the Idaho Product Liability Reform Act, Idaho Code §§6-1401 et seq. It may not be appropriate for use in actions arising before the effective date of that Act. The instructions and verdict forms as a whole presume the use of either the short or long verdict forms in this section. If a general verdict form is used, some modifications of the instruction may be necessary.