### IDJI 3.09 – Duty to invitee

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

An [owner] [occupant] owes a duty of ordinary care under all the circumstances towards invitees who come upon the premises. This duty extends to all portions of the premises to which an invitee may reasonably be expected to go.

Comment:

Harrison v. Taylor, 115 Idaho 588, 768 P.2d 1321 (1989). This case seems to suggest that specific instructions pertaining to duty to warn, duty to inspect, duty to remedy, etc., are all subsumed within this instruction. Further reference to specific duties within the instructions become unnecessary. Counsel may argue such in the application of this instruction. *But,* Cf., Walton v. Potlatch*,* 116 Idaho 892, 781 P.2d 229 (1989), where Court held that instruction on numerous separate duties was proper.