

1 **13-1401. Issues; complaint; answer; burden of proof - *No instruction drafted.***

2 *No instruction drafted.*

3 **Committee commentary.** — The statement of issues, burden of proof and formula for verdict in
4 UJI 13-302 NMRA are designed to accommodate products liability cases. If sufficient evidence
5 supports each theory, a claimant may alternatively state [~~his~~]the claimant’s products liability claim
6 in negligence, strict liability and breach of warranty. 52 A.L.R.3d 101; *Kirkland v. GMC*, 521 P.2d
7 1353 (Okla. 1974); *Fabian v. E.W. Bliss Co.*, 582 F.2d 1257 (10th Cir. 1978). Election of remedies
8 is not a substantive principle available to defendant. *Perfetti v. McGhan* [~~Medical~~] Med., 1983-
9 NMCA-032, 99 N.M. 645, 662 P.2d 646[~~(Ct. App. 1983)~~], *cert. denied*, 99 N.M. 644, 662 P.2d
10 645 (1983); *Buhler v. Marrujo*, 1974-NMCA-062, 86 N.M. 399, 524 P.2d 1015[~~(Ct. App. 1974)~~].
11 [As amended by Supreme Court Order No. S-1-RCR-2025-00126.]