

1 **13-1802B. Suit against original tortfeasor; divisibility of injuries not in dispute; medical**
2 **treatment.**

3 In this case, if you find that _____ (*one or more original tortfeasors*)
4 [was] [were] negligent and caused injury to the plaintiff, [~~he~~] [~~she~~] [~~it~~] [~~they~~] the original
5 tortfeasor[s] [is] [are] also responsible for any harm caused by medical care that the plaintiff's
6 injury reasonably required, even if the medical care was negligently performed.

7 USE NOTES

8 This instruction, intended to be a part of UJI 13-1802 NMRA, is to be given in a successive
9 tortfeasor case where the successive tortfeasor is not a party and the court determines that the
10 tortfeasor responsible for the original injury is also liable for the additional harm caused by
11 subsequent medical treatment for the original injury. If, however, an enhanced injury is so remote
12 in time or likelihood that its foreseeability may not be presumed as a matter of law, the jury would
13 be required to determine the [~~foreseeability~~] foreseeability of the injury before attributing the total
14 damages to the original tortfeasor. *See Lewis v. Samson*, 2001-NMSC-035, ¶ 33, 131 N.M. 317,
15 35 P.3d 972.

16 [Approved by Supreme Court Order No. 07-8300-036, effective February 1, 2008; as amended by
17 Supreme Court Order No. S-1-RCR-2025-00126, effective for all cases pending or filed on or after
18 December 31, 2025.]

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