

MINUTES

Advisory Committee on Model Civil Jury Instructions

April 13, 2026

4:00-6:00 p.m.

Present: Alyson McAllister, Stewart Harman, Bill Eggington, Judge Brian D. Bolinder, Robert Fuller, Kara North, Michael Lichfield, John Macfarlane, Ben Lusty, Aaron Pacini, Jace Willard (staff), Clancey Henderson (staff)

Excused: None

Guests: Tracy Fowler

1. Welcome and Approval of Minutes

Ms. McAllister welcomed the Committee. The Minutes from the February 2026 meeting were approved.

2. Membership Update

Robert Fuller was welcomed as a new member of the Committee.

3. Public Comments for CV2003 (Econ. Dmg.); CV2005 (Econ. Dmg. Med. Care); CV2119 (Impl. Cov. GFFD)

Proposed revisions to instructions CV2003 (Econ. Dmg.); CV2005 (Econ. Dmg. Med. Care); and CV2119 (Impl. Cov. GFFD) were published in January and February 2026. No public comments were submitted for the Committee's consideration. Accordingly, the revisions will be left unaltered.

4. Subcommittee Work on Product Liability Instructions

Mr. Fowler, Chair of the Products Liability Subcommittee, reported on the subcommittee's work on product liability instructions. Mr. Fowler provided the Committee with a packet containing proposed amendments to certain jury instruction and several new proposed jury instructions. The subcommittee's work was oriented to changes necessitated by recent appellate decisions, and considered changes to text, comments, and committee notes. The subcommittee's submission represents the culmination of their work since 2017, and represents a consensus of various members that participated in the project over the years.

5. CV 1002 Strict liability. Elements of claim for a [design] [manufacturing] defect.

Mr. Fowler presented the subcommittee's proposal on CV 1002. He indicated that the proposed changes were designed to make clear the plaintiff's burden of proof, consistent with the holding

in *Peterson v. Hyundai Motor Company*, 2021 UT App 128, ¶ 56. The Committee reviewed the proposed amendment to the instruction and determined to add a pin cite to that case listed in the references.

Following discussion, Mr. Macfarlane moved to approve the instruction. Mr. Lichfield seconded the motion. Upon a vote, the proposed instruction was unanimously approved by the Committee for publication for public comment, which will occur after the Committee has completed its review of all of the other proposed revisions.

6. CV1012 Strict liability. Component part manufacturer. Part defective only as incorporated into finished product.

Mr. Fowler presented the subcommittee's proposal on CV1012. He indicated the proposed changes are based largely on *Gudmundson v. Del Ozone*, 2010 UT 33, 232 P.3d 1059. The Committee reviewed the proposed amendment to the instruction and concerns were raised about whether the edits reflected all pertinent case law, in particular whether the reasonably foreseeable element and duty to warn element remain good law. The Committee discussed breaking the instruction into separate parts so that terms requiring a definition or further explanation (i.e., substantial participation and the duty to foresee) have a distinct instruction. The Committee discussed use of certain terms (such as integration and incorporated) and their potential effect on jury comprehension. Mr. Fuller raised an issue as to whether the "distributed/sold" language in brackets should be removed as unnecessary since this instruction may be inapplicable to a retailer, for example. The Committee determined the proposed instruction should be held over for further consideration.

7. CV1013 Strict liability. Component part manufacturer. Defective part incorporated into finished product.

The Committee discussed the proposal on CV1013, and considered additional amendments to ensure the instructions are consistent in addressing the subject matter—a component part that is defective *before* integration. The Committee considered a need for a separate instruction regarding a retailer's strict liability. Again, it was suggested the "distributed/sold" language in brackets should be removed as in draft CV1012. The Committee determined the proposed instruction should be held over for further consideration.

8. CV1050 Allocation Between Strict Liability Defendants and Other Parties/Third Parties.

The Committee considered proposed CV1050, and discussed the instruction's language in light of CV211 (Allocation of Fault). The Committee considered additional changes to the proposed language for clarity and jury comprehension. Ms. McAllister suggested substituting the term "acts or omissions" for the term "fault" in several instances. The Committee discussed clarifying the issue of allocation of fault among strictly liable defendants. The Committee determined the

proposed instruction should be held over for further revisions to make clear in the instruction or Committee Note when fault should be allocated among defendants.

9. Additional Instructions Considered by the Subcommittee.

The Committee considered the additional proposed amendments to other instructions and new proposed instructions. The Committee identified the need for additional time to consider the proposed instructions and the holdings of the referenced cases.

The Committee identified CV10-- Product liability – No Duty to Make a Safe Product Safer, as requiring further discussion, given the history of a similar proposed instruction and the citation to older authority in the Reference section for the instruction.

10. Scheduling and adjournment

The next meeting will be held on May 11, 2026, at 4:00 p.m.

The meeting adjourned.