

102.22 PROXIMATE CAUSE—ACTIVATION/AGGRAVATION.

The defendant is not liable for damages attributable solely to the pre-existing [physical] [mental] condition of the plaintiff.¹ Instead, the defendant is liable only to the extent that the defendant’s wrongful act proximately and naturally [aggravated] [activated] the plaintiff's pre-existing [physical] [mental] condition.²

[When the result of the defendant’s negligence is to activate a [physical] [mental] condition of the plaintiff [that was dormant] [to which the plaintiff is predisposed], the defendant is liable for the entire damages which result from the [[physical] [mental]] [[dormant] [pre-disposed]] condition becoming active.]³

[When the defendant’s negligence does not cause a [physical] [mental] condition of the plaintiff, but only aggravates and increases the severity of a condition existing at the time of the plaintiff’s injury, the plaintiff’s recovery in damages is limited to the additional injury caused by the aggravation over and above the consequences, which the pre-existing [physical] [mental] condition, running its normal course, would itself have caused if there had been no aggravation by the defendant.]⁴

1. *Potts v. Howser*, 274 N.C. 49, 54, 161 S.E.2d 737, 742 (1968).

2. *Potts v. Howser*, 274 N.C. 49, 54, 161 S.E.2d 737, 742 (1968).

3. *Potts v. Howser*, 274 N.C. 49, 54, 161 S.E.2d 737, 742 (1968).

4. *Potts v. Howser*, 274 N.C. 49, 54, 161 S.E.2d 737, 742 (1968).