
102.19 PROXIMATE CAUSE - DEFINITION; MULTIPLE CAUSES.[1]

The plaintiff not only has the burden of proving negligence, but also that such negligence was a proximate cause[2] of the [injury] [damage].

Proximate cause is a cause which in a natural and continuous sequence produces a person's [injury] [damage], and is a cause which a reasonable and prudent person could have foreseen[3] would probably produce such [injury] [damage] or some similar injurious result.[4]

There may be more than one proximate cause of [an injury] [damage]. Therefore, the plaintiff need not prove that the defendant's negligence was the sole proximate cause of the [injury] [damage]. The plaintiff must prove, by the greater weight of the evidence, only that the defendant's negligence was a proximate cause.

---

1. If the evidence justifies the application of certain specialized legal rules germane to the issue of proximate cause, they should be given in addition to the instruction below. *See, e.g.,* N.C.P.I.-Civil 102.26 (Act of God), N.C.P.I.-Civil 102.60 (Joint and Concurring Negligence) and N.C.P.I.-Civil 102.65 (Insulating Negligence).

2. An act or omission that does not immediately precede the injury or damage may be a proximate cause. Therefore, proximate cause and immediate cause are not synonymous.

3. If there is a contention by the defendant that the injury or death was not foreseeable by reason of the plaintiff's peculiar susceptibility ("thin skulled" plainiff), then use N.C.P.I.-Civil 102.20.

4. *See Loftis v. Little League Baseball, Inc.*, 169 N.C. App. 219, 222, 609 S.E.2d 481, 484 (2005) (explaining that "[p]roximate cause is defined as: 'a cause which in natural and continuous sequence, unbroken by any new and independent cause, produced the plaintiff's injuries, and *without which the injuries would not have occurred*, and one from which a

person of ordinary prudence could have reasonably have foreseen that such a result, or consequences of a generally injurious nature, was probable under all the facts as they existed.'" (Emphasis in original) (quoting *Lynn v. Overbrook Dev.*, 328 N.C. 689, 696, 403 S.E.2d 469, 473 (1991)); *Goodman v. Wenco Foods, Inc,* 333 N.C. 1, 18, 423 S.E.2d 444, 452 (1992) (stating that the proximate "cause producing the injurious result must be in a continuous sequence, without which the injury would not have occurred, and one from which any person of ordinary prudence would have foreseen the likelihood of the result under the circumstances as they existed."); and *Murphy v. Georgia Pacific Corp.*, 331 N.C. 702, 706, 417 S.E.2d 460, 463 (1992) ("Proximate cause is a cause which in natural and continuous sequence produces a plaintiff's injuries and one from which a person of ordinary prudence could have reasonably foreseen that such a result or some similar injurious result was probable.").