

102.27 PROXIMATE CAUSE - CONCURRING ACTS OF NEGLIGENCE.<sup>1</sup>

In defining proximate cause I explained that there may be two or more proximate causes of [an injury] [damage]. This occurs when separate and independent acts or omissions of different operators concur, that is, combine<sup>2</sup> to produce [injury] [damage]. Thus, if the negligent acts or omissions of the operators of two (or more) vehicles concur<sup>2</sup> to produce the [injury] [damage] complained of, the conduct of each operator is a proximate cause, even though one operator may have been more or less negligent than another.<sup>3</sup>

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1. Cases involving concurring negligence may also involve "insulating" negligence. See N.C.P.I.-Civil 102.28 ("Proximate Cause-Insulating Acts of Negligence").

2. Where the negligent acts result from coordinated or concerted conduct, joint negligence may be involved. See N.C.P.I.-Civil 102.90 ("Negligence Issue-Joint Conduct-Multiple Tortfeasors").

3. See *Riddle v. Artis*, 246 N.C. 629, 99 S.E.2d 857 (1957); *Barber v. Wooten*, 234 N.C. 107, 66 S.E.2d 690 (1951); *Hall v. Coble Dairies Inc.*, 234 N.C. 206, 67 S.E.2d 63 (1951); *Grimes v. Gibert*, 6 N.C. App. 304, 170 S.E.2d 65 (1969).