102.60 CONCURRING NEGLIGENCE.[1]

Operators of separate vehicles[2] may be held jointly and severally liable for their separate[3] acts of negligence.

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 people concur, that is, combine, to produce a single result. Thus, if the negligent acts or omissions of the operators of two (or more) vehicles concur to produce the [injury] [damage] complained of, the conduct of each operator is a proximate cause. Each operator is jointly and severally liable for the [injury] [damage] that results, even though one operator may have been more or less negligent than another.[4]

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1. Cases involving concurring negligence may also involve "insulating" negligence. *See* N.C.P.I.-Civil 102.65.

2. This instruction is drawn to cover the typical case where only drivers are involved. When an asserted joint tortfeasor is not a driver, the instruction must be varied accordingly.

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

4. *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*, 234 N.C. 206, 67 S.E.2d 63 (1951); *Grimes v. Gibert*, 6 N.C. App. 304, 170 S.E.2d 65 (1969).