

1501 CAUSE: NORMAL RESPONSE

If a person's negligence creates a situation that triggers an act by (another person) (an animal) which is a normal response to the situation created by the negligence, you may find that any injuries that result from the responsive act were caused by the original negligence.

You must decide whether an act causing any (plaintiff)'s injuries was a normal response to the situation created by the original negligence and, whether injuries, therefore, should be attributed to that negligence.

COMMENT

This instruction was approved in 1969 and revised in 1998. The comment was reviewed without change in 1990.

It is suggested that this instruction be given in connection with Wis JI-Civil 1500, when appropriate.

An intervening act of a human being or animal which is a normal response to the stimulus of a situation created by the actor's negligent conduct is not a superseding cause of harm to another which the actor's conduct is a substantial factor in bringing about. Kramer v. Chicago, M., St. P. & P. Ry., 226 Wis. 118, 130, 276 N.W. 113 (1937).

See also Hatch v. Smail, 249 Wis. 183, 185-86, 23 N.W.2d 460 (1945); Brown v. Travellers Indem. Co., 251 Wis. 188, 194, 28 N.W.2d 306 (1946); Fields v. Creek, 21 Wis.2d 562, 573, 124 N.W.2d 599 (1963); Turk v. H.C. Prange Co., 18 Wis.2d 547, 119 N.W.2d 365 (1963).

Restatement, Second, Torts § 443 (1965).

For a discussion of the intervening and superseding cause doctrine, see the Comment to Wis JI-Civil 1500.