

## FAULT 1

### Statement of Claim; Definition of Fault; Definition of Negligence (No Comparative Fault)

[*Name of plaintiff*] claims that [*name of defendant*] was at fault. Fault is negligence that was a cause of [*name of plaintiff*]'s injury.

Negligence is the failure to use reasonable care. Negligence may consist of action or inaction. Negligence is the failure to act as a reasonably careful person would act under the circumstances.

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**SOURCE:** RAJI (CIVIL) 3d Fault 1; A.R.S. § 12-2506(F)(2).

**USE NOTE:** Use Fault Instructions 1-4 when the only liability claim in the case is that a single defendant is at fault. If there is a claim by any party that someone other than or as well as a single defendant is at fault, do not use Fault Instructions 1-4; use the appropriate instructions from Fault 5-11, or Fault 12 if defendant has asserted a seat belt or motorcycle helmet defense.

**COMMENT:** RAJI (CIVIL) 4th Negligence 4 may have applicability in a noncomparative fault case, but it would be confusing if given in a comparative fault case. A defendant in a comparative fault case can, in fact, properly seek to reduce responsibility, if not completely avoid it, by claiming that some other person is at fault. RAJI (CIVIL) 4th Fault Instructions 6-11 cover the multiple causation issue in comparative fault cases.