

Products Liability Series: Does a Plaintiff Have a Duty to Mitigate Damages Under Arkansas Law?



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02/07/2023

Does a plaintiff have a duty to mitigate damages under Arkansas law? Yes. An injured person must use ordinary care to seek out treatment and follow the advice of physicians. Any damages resulting from a failure to use such care cannot be recovered. AMI 2214. This applies to property or business claims as well. The burden of proving that a party claiming damages failed to use ordinary care is upon the party from whom damages are claimed. AMI 2230.

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