

**Electronically Filed
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SCMF-11-0000655

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

In the Matter of the Publication and Distribution
of the
Hawai'i Pattern Jury Instructions - Civil

ORDER APPROVING PUBLICATION AND DISTRIBUTION
OF HAWAI'I PATTERN JURY INSTRUCTIONS - CIVIL

(By: Recktenwald, C.J., Nakayama, Acoba, McKenna, and Pollack, JJ.)

Upon consideration of the request of the Standing Committee on Pattern Civil Jury Instructions to publish and distribute the amendment to the Hawai'i Pattern Jury Instructions - Civil Index and the repeal of Instruction 17.3,

IT IS HEREBY ORDERED that the attached Civil Jury Instructions Index and Instruction 17.3 are approved for publication and distribution.

IT IS FURTHER ORDERED that this approval for publication and distribution is not and shall not be considered

by this court or any other court to be an approval or judgment as to the validity or correctness of the substance of any instruction.

DATED: Honolulu, Hawai'i, November 28, 2012.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Simeon R. Acoba, Jr.

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack



P. PREMISES LIABILITY

<u>INSTRUCTION NO. 17.1:</u>	PREMISES LIABILITY - ELEMENTS
<u>INSTRUCTION NO. 17.2:</u>	PREMISES LIABILITY - DEGREE OF CONTROL
<u>INSTRUCTION NO. 17.3:</u>	PREMISES LIABILITY - KNOWN OR OBVIOUS RISK - [Repealed]
<u>INSTRUCTION NO. 17.4</u>	PREMISES LIABILITY - MARKETING METHOD OR MODE OF OPERATION
<u>INSTRUCTION NO. 17.5:</u>	PREMISES LIABILITY - NON-OWNER, NON-OCCUPIER; ELEMENTS
<u>INSTRUCTION NO. 17.6:</u>	RECREATIONAL PURPOSE DEFENSE
<u>INSTRUCTION NO. 17.7:</u>	RECREATIONAL PURPOSE - DEFINITION
<u>INSTRUCTION NO. 17.8:</u>	COMMERCIAL PURPOSE
<u>INSTRUCTION NO. 17.9:</u>	INTENTIONS OF OWNER AND USER
<u>INSTRUCTION NO. 17.10:</u>	EXCEPTION FOR WILFUL OR MALICIOUS FAILURE TO GUARD OR WARN
<u>INSTRUCTION NO. 17.11:</u>	EXCEPTION FOR HOUSE GUESTS

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INSTRUCTION NO. 17.3

[REPEALED]

~~PREMISES LIABILITY — KNOWN OR OBVIOUS RISK~~

~~— If defendant(s) prove(s) that a risk of harm was either known to plaintiff(s) or obvious, you should find in favor of defendant(s), unless plaintiff(s) prove(s) the risk of harm was excusably overlooked or could not readily be avoided.~~

~~*Friedrich v. Department of Transportation*, 60 Haw. 32, 586 P.2d 1037 (1978); *Harris v. State of Hawaii*, 1 Haw. App. 554, 623 P.2d 446 (1981). Repealed in light of *Steigman v. Outrigger Enterprises, Inc.*, 126 Hawai'i 133, 267 P.3d 1238 (2011).~~

INSTRUCTION NO. 17.3

[REPEALED]

Repealed in light of *Steigman v. Outrigger Enterprises, Inc.*, 126 Hawai'i 133, 267 P.3d 1238 (2011).