

N.C.P.I.—Civil 102.15
NEGLIGENCE ISSUE—DOCTRINE OF SUDDEN EMERGENCY.
GENERAL CIVIL VOLUME
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102.15 NEGLIGENCE ISSUE - DOCTRINE OF SUDDEN EMERGENCY.¹

A person who, through no negligence of *his* own, is suddenly and unexpectedly confronted with imminent danger to *himself* or to others, whether actual or apparent, is not required to use the same judgment that would be required if there were more time to make a decision. The person's duty is to use that degree of care which a reasonable and prudent person would use under the same or similar circumstances. If, in a moment of sudden emergency, a person makes a decision that a reasonable and prudent person would make under the same or similar circumstances, *he* does all that the law requires, even if in hindsight some different decision would have been better or safer.²

1. The doctrine of sudden emergency is not applicable to one who by his own negligence has brought about or contributed to the emergency.

As to the situation of one who attempts to rescue a person placed in peril by another's negligence, see *Bumgarner v. Southern R.R.*, 247 N.C. 374, 100 S.E.2d 830 (1957).

2. "In North Carolina, the sudden emergency doctrine has been applied only to ordinary negligence claims, mostly those arising out of motor vehicle collisions, and has never been used in a medical negligence case." *Wiggins v. E. Carolina Health-Chowan, Inc.*, ___ N.C. App. ___, ___, 760 S.E.2d 323, 325 (2014). See also *McDevitt v. Stacy*, 148 N.C. App. 448, 458, 559 S.E.2d 201, 209 (2002); *Ligon v. Matthew Allen Strickland*, 176 N.C. App. 132, 141, 625 S.E.2d 824, 831 (2006); *Long v. Harris*, 137 N.C. App. 461, 467, 528 S.E.2d 633, 637 (2000).

