"ACCIDENT" OR "ACCIDENTAL MEANS" ISSUE--EFFECT OF DISEASED CONDITION.¹

Where it is contended that the [injury] [death] of the [plaintiff] [plaintiff's deceased] was caused by disease, the following rules apply:²

When an accident has caused a diseased condition, which together with the accident resulted in the [injury] [death], the accident alone is to be considered the cause of the [injury] [death]. That is, the [injury] [death] is by accidental means.

When, at the time of the accident, the insured was suffering from some disease, but the disease had no causal connection with the [injury] [death] resulting from the accident, the accident alone is to be considered the cause of the [injury] [death]. That is, the [injury] [death] is by accidental means.

However, when at the time of the accident there was an existing disease, which, together with the accident, resulted in the [injury] [death], the accident cannot be considered as the sole cause or as the cause independent of all other causes. That is, the [injury] [death] is not by accidental means.

¹These rules normally will be relevant in cases with policy language involving "accidental means," see N.C.P.I. Civil 870.20, or "accident," see N.C.P.I. Civil 870.25.
