

**Cherokee Nation Code Annotated**

**Title 12: Civil Procedure**

**Chapter 1: Civil Procedure**

**§ 15. Joint tortfeasors**

Cite as: 12 CNCA § 15

A. Joint tortfeasors are two or more persons who either:

1. Act in concert to commit a tort;
2. Act independently but cause a single indivisible tortious injury; or
3. Share responsibility for a tort because of vicarious liability.

B. Each joint tortfeasor shall be held jointly and severally liable for the plaintiff's total damages;

C. The doctrine of learned intermediary is specifically rejected;

D. The innovator of a device, drug, or other product may be held liable for fraud or misrepresentation, by misstatement or omission, based on statements it made in connection with the manufacture, safety, and efficacy of the original device, drug or product by a plaintiff claiming injury caused by a generic product manufactured by a different company.

**Historical Data**

LA 16–16, eff. April 21, 2016. Amended LA 07–18, eff. May 18, 2018.