

1967

Gregory James Woodhouse, by and Through His
Guardian Ad Litem, Glen W. Woodhouse, and
Glen W. Woodhouse v. Norma Johnson : Petition
For Rehearing

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IN THE SUPREME COURT

of the

STATE OF UTAH

GREGORY JAMES WOODHOUSE, by
and through his guardian ad litem,
GLEN W. WOODHOUSE, and GLEN
W. WOODHOUSE,

Plaintiffs and Appellants,

v.

NORMA JOHNSON,

Defendant and Respondent.

Case No.

10810

PETITION FOR REHEARING

FILED

NOV 21 1961

Clerk, Supreme Court, Utah

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INDEX

	Page
PETITION FOR REHEARING	1
STATEMENT OF FACTS	3
ARGUMENT:	
POINT I: THE MAJORITY OF THE COURT MIS- CONSTRUED THE NATURE OF APPELLANTS' ARGUMENT WHICH CLAIMED ERROR IN THE GIVING OF AN UNAVOIDABLE ACCIDENT IN- STRUCTION.	5
POINT II: THE COURT ERRED IN FAILING TO REVERSE THE TRIAL COURT'S REFUSAL TO INSTRUCT ON ALL THEORIES OF THE PLAIN- TIFFS' CASE, TO WIT: TWO INJURIES, THE LATTER OF WHICH COULD BE CAUSED BY NEGLIGENCE WITHOUT THE FIRST BEING SO CAUSED	8

CASES CITED

Butigan v. Yellow Cab Co., 320 P.2d 500; 65 ALR 2d 1	7
McDonald v. Union Pacific Railroad Co., 109 Utah 493; 167 P.2d 685	8
Newbury v. Vogel, 379 P.2d 811, Colorado (1963)	10
Porter v. Price, 11 Utah 2d 80; 355 P.2d 66	2. 7
Webb v. Snow, 102 Utah 435; 132 P.2d 114	8

TEXTS CITED

JIFU	6
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PETITION FOR REHEARING

Appellants herewith petition this Court for a rehearing in the above case, and in support of this petition allege:

1. The Court erred in failing to grant a new trial because of the trial court's decision to give an unavoidable accident instruction and merging with it a no-negli-

gence instruction as being prejudicial to appellant at trial because of the undue emphasis on respondent's defenses.

2. Appellant further alleges in this regard that the court erred in giving an unavoidable accident instruction without defining the fact situation alleged to have existed by defendant which would have constituted an unavoidable accident. (See *Porter v. Price*, 11 Utah 2d 80, 355 P.2d 66)

3. Appellant further alleges the Court erred in failing to grant a new trial because of the trial court's failure to give requested instructions No. 10 and 14, relating to two separate injuries caused by the same negligence of defendant.

Respectfully submitted,

HATCH & McRAE