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Comparative Fault 3d

Enclosed is the 2026 cumulative supplement to Comparative Fault, 3d, prepared by Beth M. Deere, U.S. Magistrate Judge, U.S. District Court for the Eastern District of Arkansas. The 2026 update was prepared by the Publisher's Editorial Staff. This enclosure replaces the prior cumulative supplement dated 2025.

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Highlights

The 2026 cumulative supplement contains the year's significant developments affecting the law of comparative fault. Sample coverage includes:

- Evidence was sufficient to support award of \$500,000 in pecuniary damages to wife of deceased railroad employee, in FELA action against railroad arising from employee's work-related asbestos exposure and subsequent mesothelioma and death, where wife and her daughter testified that employee cleaned, cooked, did yardwork, gardened, cut the grass on their quarter-acre property, and cared for wife during her illnesses.
- Learned intermediary rule did not apply in negligence action brought against pharmacy by estate of patient, alleging that pharmacist was negligent in filling prescription for drug that, when taken with patient's existing pain medication, posed serious health risks that led to patient's death.

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