* 1. **JUSTIFIABLE RELIANCE**

The plaintiff justifiably relied on the statement if:

(1) a reasonable person would consider the statement important when deciding whether to act; or

(2) the defendant knew or had reason to know that this particular plaintiff would consider the statement important when deciding whether to act.

Use Note

If 17.01 (Intentional Misrepresentation), 17.05 (Negligent Misrepresentation), or 17.06 (Nondisclosure) is given, this instruction should be given as well.

Comment

This instruction is based on the Restatement (Second) of Torts § 538.