

TABLE OF INSTRUCTIONS

Volume 1

PRETRIAL

Inst. No.		Page
100	Preliminary Admonitions	2
101	Overview of Trial	6
102	Taking Notes During the Trial	9
103	Multiple Parties	11
104	Nonperson Party.....	13
105	Insurance.....	15
106	Evidence.....	17
107	Witnesses.....	19
108	Duty to Abide by Translation Provided in Court.....	21
109	Removal of Claims or Parties	23
110	Service Provider for Juror With Disability	24
111	Instruction to Alternate Jurors	26
112	Questions From Jurors	27
113	Bias	29
114	Bench Conferences and Conferences in Chambers	31
115	“Class Action” Defined (Plaintiff Class).....	32
116	Why Electronic Communications and Research Are Prohibited.....	34
117	Wealth of Parties	36
118	Personal Pronouns	38
119–199	Reserved for Future Use.....	38

EVIDENCE

200	Obligation to Prove—More Likely True Than Not True	40
201	Highly Probable—Clear and Convincing Proof.....	42
202	Direct and Indirect Evidence.....	44
203	Party Having Power to Produce Better Evidence.....	46
204	Willful Suppression of Evidence	48
205	Failure to Explain or Deny Evidence	50
206	Evidence Admitted for Limited Purpose	52
207	Evidence Applicable to One Party	54
208	Deposition as Substantive Evidence	56
209	Use of Interrogatories of a Party	58
210	Requests for Admissions.....	60
211	Prior Conviction of a Felony	62
212	Statements of a Party Opponent	64
213	Adoptive Admissions	66
214	Reserved for Future Use	68

CALIFORNIA JURY INSTRUCTIONS

Inst. No.		Page
215	Exercise of a Communication Privilege	69
216	Exercise of Right Not to Incriminate Oneself (Evid. Code, § 913)	71
217	Evidence of Settlement	74
218	Statements Made to Physician (Previously Existing Condition)	76
219	Expert Witness Testimony.....	78
220	Experts—Questions Containing Assumed Facts	82
221	Conflicting Expert Testimony	84
222	Evidence of Sliding-Scale Settlement	86
223	Opinion Testimony of Lay Witness	88
224	Testimony of Child	89
225–299	Reserved for Future Use.....	89

CONTRACTS

300	Breach of Contract—Introduction	93
301	Third-Party Beneficiary	95
302	Contract Formation—Essential Factual Elements	98
303	Breach of Contract—Essential Factual Elements	102
304	Oral or Written Contract Terms.....	107
305	Implied-in-Fact Contract.....	109
306	Unformalized Agreement.....	111
307	Contract Formation—Offer	113
308	Contract Formation—Revocation of Offer.....	115
309	Contract Formation—Acceptance	117
310	Contract Formation—Acceptance by Silence.....	120
311	Contract Formation—Rejection of Offer.....	122
312	Substantial Performance.....	124
313	Modification	127
314	Interpretation—Disputed Words	130
315	Interpretation—Meaning of Ordinary Words	133
316	Interpretation—Meaning of Technical Words.....	135
317	Interpretation—Construction of Contract as a Whole	137
318	Interpretation—Construction by Conduct.....	139
319	Interpretation—Reasonable Time	141
320	Interpretation—Construction Against Drafter.....	143
321	Existence of Condition Precedent Disputed.....	145
322	Occurrence of Agreed Condition Precedent	147
323	Waiver of Condition Precedent	149
324	Anticipatory Breach	152
325	Breach of Implied Covenant of Good Faith and Fair Dealing— Essential Factual Elements.....	154
326	Assignment Contested.....	158
327	Assignment Not Contested.....	160
328	Breach of Implied Duty to Perform With Reasonable Care— Essential Factual Elements.....	161
329	Reserved for Future Use	162
330	Affirmative Defense—Unilateral Mistake of Fact	163

TABLE OF INSTRUCTIONS

Inst. No.	Page
331	Affirmative Defense—Bilateral Mistake.....166
332	Affirmative Defense—Duress168
333	Affirmative Defense—Economic Duress171
334	Affirmative Defense—Undue Influence.....174
335	Affirmative Defense—Fraud176
336	Affirmative Defense—Waiver179
337	Affirmative Defense—Novation181
338	Affirmative Defense—Statute of Limitations183
339–349	Reserved for Future Use184
350	Introduction to Contract Damages.....185
351	Special Damages189
352	Loss of Profits—No Profits Earned192
353	Loss of Profits—Some Profits Earned195
354	Owner’s/Lessee’s Damages for Breach of Contract to Construct Improvements on Real Property.....198
355	Obligation to Pay Money Only201
356	Buyer’s Damages for Breach of Contract for Sale of Real Property (Civ. Code, § 3306)203
357	Seller’s Damages for Breach of Contract to Purchase Real Property206
358	Mitigation of Damages209
359	Present Cash Value of Future Damages211
360	Nominal Damages213
361	Reliance Damages215
362–369	Reserved for Future Use216
370	Common Count: Money Had and Received217
371	Common Count: Goods and Services Rendered.....220
372	Common Count: Open Book Account222
373	Common Count: Account Stated.....226
374	Common Count: Mistaken Receipt.....229
375	Restitution From Transferee Based on Quasi-Contract or Unjust Enrichment232
376–379	Reserved for Future Use234
380	Agreement Formalized by Electronic Means—Uniform Electronic Transactions Act (Civ. Code, § 1633.1 et seq.).....235
381–399	Reserved for Future Use237
VF-300	Breach of Contract.....238
VF-301	Breach of Contract—Affirmative Defense—Unilateral Mistake of Fact242
VF-302	Breach of Contract—Affirmative Defense—Duress244
VF-303	Breach of Contract—Contract Formation at Issue246
VF-304	Breach of Implied Covenant of Good Faith and Fair Dealing250
VF-305–VF-399	Reserved for Future Use.....253

NEGLIGENCE

400	Negligence—Essential Factual Elements258
-----	--

CALIFORNIA JURY INSTRUCTIONS

Inst. No.		Page
401	Basic Standard of Care.....	263
402	Standard of Care for Minors.....	265
403	Standard of Care for Person with a Physical Disability.....	267
404	Intoxication.....	268
405	Comparative Fault of Plaintiff.....	270
406	Apportionment of Responsibility.....	273
407	Comparative Fault of Decedent.....	277
408–410	Reserved for Future Use.....	278
411	Reliance on Good Conduct of Others.....	279
412	Duty of Care Owed Children.....	281
413	Custom or Practice.....	283
414	Amount of Caution Required in Dangerous Situations.....	285
415	Employee Required to Work in Dangerous Situations.....	287
416	Amount of Caution Required in Transmitting Electric Power.....	289
417	Special Doctrines: Res ipsa loquitur.....	291
418	Presumption of Negligence per se.....	295
419	Presumption of Negligence per se (Causation Only at Issue).....	299
420	Negligence per se: Rebuttal of the Presumption of Negligence— Violation Excused.....	301
421	Negligence per se: Rebuttal of the Presumption of Negligence (Violation of Minor Excused).....	303
422	Providing Alcoholic Beverages to Obviously Intoxicated Minors (Bus. & Prof. Code, § 25602.1).....	305
423	Public Entity Liability for Failure to Perform Mandatory Duty...	309
424	Negligence Not Contested—Essential Factual Elements.....	312
425	“Gross Negligence” Explained.....	313
426	Negligent Hiring, Supervision, or Retention of Employee.....	316
427	Furnishing Alcoholic Beverages to Minors (Civ. Code, § 1714(d)) .	320
428	Parental Liability (Nonstatutory).....	322
429	Negligent Sexual Transmission of Disease.....	325
430	Causation: Substantial Factor.....	327
431	Causation: Multiple Causes.....	332
432	Affirmative Defense—Causation: Third-Party Conduct as Superseding Cause.....	334
433	Affirmative Defense—Causation: Intentional Tort/Criminal Act as Superseding Cause.....	339
434	Alternative Causation.....	342
435	Causation for Asbestos-Related Cancer Claims.....	345
436–439	Reserved for Future Use.....	350
440	Negligent Use of Nondeadly Force by Law Enforcement Officer in Arrest or Other Seizure—Essential Factual Elements.....	351
441	Negligent Use of Deadly Force by Peace Officer—Essential Factual Elements.....	355
442–449	Reserved for Future Use.....	358
450A	Good Samaritan—Nonemergency.....	359
450B	Good Samaritan—Scene of Emergency.....	362
450C	Negligent Undertaking.....	365

TABLE OF INSTRUCTIONS

Inst. No.		Page
451	Affirmative Defense—Contractual Assumption of Risk.....	369
452	Sudden Emergency	374
453	Injury Incurred in Course of Rescue.....	377
454	Affirmative Defense—Statute of Limitations	381
455	Statute of Limitations—Delayed Discovery	384
456	Defendant Estopped From Asserting Statute of Limitations Defense.....	389
457	Statute of Limitations—Equitable Tolling—Other Prior Proceeding	393
458–459	Reserved for Future Use	397
460	Strict Liability for Ultrahazardous Activities—Essential Factual Elements	398
461	Strict Liability for Injury Caused by Wild Animal—Essential Factual Elements	401
462	Strict Liability for Injury Caused by Domestic Animal With Dangerous Propensities—Essential Factual Elements.....	404
463	Dog Bite Statute (Civ. Code, § 3342)—Essential Factual Elements	407
464–469	Reserved for Future Use	409
470	Primary Assumption of Risk—Exception to Nonliability— Coparticipant in Sport or Other Recreational Activity.....	410
471	Primary Assumption of Risk—Exception to Nonliability— Instructors, Trainers, or Coaches.....	416
472	Primary Assumption of Risk—Exception to Nonliability—Facilities Owners and Operators and Event Sponsors	420
473	Primary Assumption of Risk—Exception to Nonliability— Occupation Involving Inherent Risk	424
474–499	Reserved for Future Use	426
VF-400	Negligence—Single Defendant	427
VF-401	Negligence—Single Defendant—Plaintiff’s Negligence at Issue— Fault of Others Not at Issue.....	430
VF-402	Negligence—Fault of Plaintiff and Others at Issue.....	434
VF-403	Primary Assumption of Risk—Liability of Coparticipant.....	439
VF-404	Primary Assumption of Risk—Liability of Instructors, Trainers, or Coaches.....	442
VF-405	Primary Assumption of Risk—Liability of Facilities Owners and Operators and Event Sponsors	445
VF-406	Negligence—Providing Alcoholic Beverages to Obviously Intoxicated Minor	448
VF-407	Strict Liability—Ultrahazardous Activities	452
VF-408	Strict Liability for Domestic Animal With Dangerous Propensities.....	455
VF-409	Dog Bite Statute (Civ. Code, § 3342).....	458
VF-410	Statute of Limitations—Delayed Discovery—Reasonable Investigation Would Not Have Disclosed Pertinent Facts.....	461
VF-411	Parental Liability (Nonstatutory).....	463
VF-412–VF-499	Reserved for Future Use	465

CALIFORNIA JURY INSTRUCTIONS

Inst. No.		Page
MEDICAL NEGLIGENCE		
500	Medical Negligence—Essential Factual Elements	469
501	Standard of Care for Health Care Professionals	472
502	Standard of Care for Medical Specialists	475
503A	Psychotherapist’s Duty to Protect Intended Victim From Patient’s Threat	477
503B	Affirmative Defense—Psychotherapist’s Communication of Threat to Victim and Law Enforcement	480
504	Standard of Care for Nurses.....	481
505	Success Not Required	483
506	Alternative Methods of Care.....	485
507	Duty to Warn Patient	487
508	Duty to Refer to a Specialist.....	489
509	Abandonment of Patient	491
510	Derivative Liability of Surgeon.....	493
511	Wrongful Birth—Sterilization/Abortion—Essential Factual Elements	495
512	Wrongful Birth—Essential Factual Elements	497
513	Wrongful Life—Essential Factual Elements	500
514	Duty of Hospital	503
515	Duty of Hospital to Provide Safe Environment.....	506
516	Duty of Hospital to Screen Medical Staff	508
517	Affirmative Defense—Patient’s Duty to Provide for the Patient’s Own Well-Being	510
518	Medical Malpractice: Res ipsa loquitur.....	512
519–529	Reserved for Future Use	515
530A	Medical Battery	516
530B	Medical Battery—Conditional Consent.....	519
531	Consent on Behalf of Another	521
532	Informed Consent—Definition.....	523
533	Failure to Obtain Informed Consent—Essential Factual Elements	526
534	Informed Refusal—Definition.....	529
535	Risks of Nontreatment—Essential Factual Elements	531
536–549	Reserved for Future Use	533
550	Affirmative Defense—Plaintiff Would Have Consented	534
551	Affirmative Defense—Waiver.....	536
552	Affirmative Defense—Simple Procedure	538
553	Affirmative Defense—Emotional State of Patient.....	540
554	Affirmative Defense—Emergency	542
555	Affirmative Defense—Statute of Limitations—Medical Malpractice—One-Year Limit (Code Civ. Proc., § 340.5)	544
556	Affirmative Defense—Statute of Limitations—Medical Malpractice—Three-Year Limit (Code Civ. Proc., § 340.5).....	548
557–599	Reserved for Future Use	551
VF-500	Medical Negligence	552

TABLE OF INSTRUCTIONS

Inst. No.		Page
VF-501	Medical Negligence—Informed Consent—Affirmative Defense— Plaintiff Would Have Consented Even If Informed.....	555
VF-502	Medical Negligence—Informed Consent—Affirmative Defense—Emergency	559
VF-503–VF-599	Reserved for Future Use	562

PROFESSIONAL NEGLIGENCE

600	Standard of Care.....	564
601	Legal Malpractice—Causation.....	568
602	Success Not Required.....	572
603	Alternative Legal Decisions or Strategies.....	574
604	Referral to Legal Specialist.....	576
605	Reserved for Future Use	576
606	Legal Malpractice Causing Criminal Conviction—Actual Innocence.....	577
607–609	Reserved for Future Use	579
610	Affirmative Defense—Statute of Limitations—Attorney Malpractice— One-Year Limit (Code Civ. Proc., § 340.6)	580
611	Affirmative Defense—Statute of Limitations—Attorney Malpractice— Four-Year Limit (Code Civ. Proc., § 340.6)	586
612–699	Reserved for Future Use	590

MOTOR VEHICLES AND HIGHWAY SAFETY

700	Basic Standard of Care.....	592
701	Definition of Right-of-Way	594
702	Waiver of Right-of-Way	597
703	Definition of “Immediate Hazard”.....	599
704	Left Turns (Veh. Code, § 21801).....	601
705	Turning (Veh. Code, § 22107).....	603
706	Basic Speed Law (Veh. Code, § 22350)	605
707	Speed Limit (Veh. Code, § 22352)	607
708	Maximum Speed Limit (Veh. Code, §§ 22349, 22356).....	609
709	Driving Under the Influence (Veh. Code, §§ 23152, 23153)	611
710	Duties of Care for Pedestrians and Drivers in Crosswalk (Veh. Code, § 21950)	613
711	The Passenger’s Duty of Care for Own Safety.....	616
712	Affirmative Defense—Failure to Wear a Seat Belt.....	618
713–719	Reserved for Future Use	620
720	Motor Vehicle Owner Liability—Permissive Use of Vehicle.....	621
721	Motor Vehicle Owner Liability—Affirmative Defense—Use Beyond Scope of Permission.....	625
722	Adult’s Liability for Minor’s Permissive Use of Motor Vehicle.....	627
723	Liability of Cosigner of Minor’s Application for Driver’s License.....	629
724	Negligent Entrustment of Motor Vehicle.....	631
725–729	Reserved for Future Use	634

CALIFORNIA JURY INSTRUCTIONS

Inst. No.		Page
730	Emergency Vehicle Exemption (Veh. Code, § 21055).....	635
731	Definition of “Emergency” (Veh. Code, § 21055).....	638
732–799	Reserved for Future Use.....	639
VF-700	Motor Vehicle Owner Liability—Permissive Use of Vehicle.....	640
VF-701	Motor Vehicle Owner Liability—Permissive Use of Vehicle— Affirmative Defense—Use Beyond Scope of Permission.....	642
VF-702	Adult’s Liability for Minor’s Permissive Use of Motor Vehicle.....	644
VF-703	Liability of Cosigner of Minor’s Application for Driver’s License.....	647
VF-704	Negligent Entrustment of Motor Vehicle.....	650
VF-705–VF-799	Reserved for Future Use.....	652

RAILROAD CROSSINGS

800	Basic Standard of Care for Railroads.....	654
801	Duty to Comply With Safety Regulations.....	656
802	Reserved for Future Use.....	657
803	Regulating Speed.....	658
804	Lookout for Crossing Traffic.....	660
805	Installing Warning Systems.....	662
806	Comparative Fault—Duty to Approach Crossing With Care.....	664
807–899	Reserved for Future Use.....	665

COMMON CARRIERS

900	Introductory Instruction.....	668
901	Status of Common Carrier Disputed.....	670
902	Duty of Common Carrier.....	673
903	Duty to Provide and Maintain Safe Equipment.....	675
904	Duty of Common Carrier Toward Passengers With Illness or Disability.....	678
905	Duty of Common Carrier Toward Minor Passengers.....	679
906	Duty of Passenger for Own Safety.....	680
907	Status of Passenger Disputed.....	682
908	Duty to Protect Passengers From Assault.....	684
909–999	Reserved for Future Use.....	685

PREMISES LIABILITY

1000	Premises Liability—Essential Factual Elements.....	688
1001	Basic Duty of Care.....	690
1002	Extent of Control Over Premises Area.....	694
1003	Unsafe Conditions.....	696
1004	Obviously Unsafe Conditions.....	699
1005	Business Proprietor’s or Property Owner’s Liability for the Criminal Conduct of Others.....	702
1006	Landlord’s Duty.....	705

TABLE OF INSTRUCTIONS

Inst. No.		Page
1007	Sidewalk Abutting Property	709
1008	Liability for Adjacent Altered Sidewalk—Essential Factual Elements	711
1009A	Liability to Employees of Independent Contractors for Unsafe Concealed Conditions	713
1009B	Liability to Employees of Independent Contractors for Unsafe Conditions—Retained Control	716
1009C	Liability to Employees of Independent Contractors for Unsafe Conditions—Nondelegable Duty (Revoked)	720
1009D	Liability to Employees of Independent Contractors for Unsafe Conditions—Defective Equipment	721
1010	Affirmative Defense—Recreation Immunity—Exceptions (Civ. Code, § 846)	723
1011	Constructive Notice Regarding Dangerous Conditions on Property	728
1012	Knowledge of Employee Imputed to Owner	731
1013–1099	Reserved for Future Use	731
VF-1000	Premises Liability—Comparative Negligence of Others Not at Issue	732
VF-1001	Premises Liability—Affirmative Defense—Recreation Immunity—Exceptions	735
VF-1002	Premises Liability—Comparative Fault of Plaintiff at Issue	738
VF-1003–VF-1099	Reserved for Future Use	740

DANGEROUS CONDITION OF PUBLIC PROPERTY

1100	Dangerous Condition on Public Property—Essential Factual Elements (Gov. Code, § 835)	742
1101	Control	746
1102	Definition of “Dangerous Condition” (Gov. Code, § 830(a))	748
1103	Notice (Gov. Code, § 835.2)	752
1104	Inspection System (Gov. Code, § 835.2(b)(1) & (2))	754
1105–1109	Reserved for Future Use	755
1110	Affirmative Defense—Natural Conditions (Gov. Code, § 831.2)	756
1111	Affirmative Defense—Condition Created by Reasonable Act or Omission (Gov. Code, § 835.4(a))	759
1112	Affirmative Defense—Reasonable Act or Omission to Correct (Gov. Code, § 835.4(b))	762
1113–1119	Reserved for Future Use	763
1120	Failure to Provide Traffic Control Signals (Gov. Code, § 830.4)	764
1121	Failure to Provide Traffic Warning Signals, Signs, or Markings (Gov. Code, § 830.8)	766
1122	Affirmative Defense—Weather Conditions Affecting Streets and Highways (Gov. Code, § 831)	768
1123	Affirmative Defense—Design Immunity (Gov. Code, § 830.6)	770
1124	Loss of Design Immunity (<i>Cornette</i>)	773
1125	Conditions on Adjacent Property	776
1126–1199	Reserved for Future Use	777

CALIFORNIA JURY INSTRUCTIONS

Inst. No.	Page
VF-1100	Dangerous Condition of Public Property778
VF-1101	Dangerous Condition of Public Property—Affirmative Defense— Reasonable Act or Omission (Gov. Code, § 835.4)781
VF-1102–VF-1199	Reserved for Future Use784

PRODUCTS LIABILITY

1200	Strict Liability—Essential Factual Elements787
1201	Strict Liability—Manufacturing Defect—Essential Factual Elements791
1202	Strict Liability—“Manufacturing Defect” Explained.....794
1203	Strict Liability—Design Defect—Consumer Expectation Test— Essential Factual Elements795
1204	Strict Liability—Design Defect—Risk-Benefit Test—Essential Factual Elements—Shifting Burden of Proof800
1205	Strict Liability—Failure to Warn—Essential Factual Elements .805
1206	Strict Liability—Failure to Warn—Products Containing Allergens (Not Prescription Drugs)—Essential Factual Elements811
1207A	Strict Liability—Comparative Fault of Plaintiff814
1207B	Strict Liability—Comparative Fault of Third Person.....816
1208	Component Parts Rule819
1209–1219	Reserved for Future Use.....821
1220	Negligence—Essential Factual Elements822
1221	Negligence—Basic Standard of Care824
1222	Negligence—Manufacturer or Supplier—Duty to Warn—Essential Factual Elements827
1223	Negligence—Recall/Retrofit.....831
1224	Negligence—Negligence for Product Rental/Standard of Care ...833
1225–1229	Reserved for Future Use.....834
1230	Express Warranty—Essential Factual Elements.....835
1231	Implied Warranty of Merchantability—Essential Factual Elements.....839
1232	Implied Warranty of Fitness for a Particular Purpose—Essential Factual Elements842
1233	Implied Warranty of Merchantability for Food—Essential Factual Elements845
1234–1239	Reserved for Future Use.....847
1240	Affirmative Defense to Express Warranty—Not “Basis of Bargain”848
1241	Affirmative Defense—Exclusion or Modification of Express Warranty.....851
1242	Affirmative Defense—Exclusion of Implied Warranties853
1243	Notification/Reasonable Time856
1244	Affirmative Defense—Sophisticated User.....858
1245	Affirmative Defense—Product Misuse or Modification861
1246	Affirmative Defense—Design Defect—Government Contractor ..864
1247	Affirmative Defense—Failure to Warn—Government Contractor867

TABLE OF INSTRUCTIONS

Inst. No.	Page
1248	Affirmative Defense—Inherently Unsafe Consumer Product (Civ. Code, § 1714.45).....870
1249	Affirmative Defense—Reliance on Knowledgeable Intermediary.872
1250–1299	Reserved for Future Use.....875
VF-1200	Strict Products Liability—Manufacturing Defect—Comparative Fault at Issue876
VF-1201	Strict Products Liability—Design Defect—Affirmative Defense—Misuse or Modification880
VF-1202	Strict Products Liability—Design Defect—Risk-Benefit Test (Revoked)884
VF-1203	Strict Products Liability—Failure to Warn885
VF-1204	Products Liability—Negligence—Comparative Fault of Plaintiff at Issue.....889
VF-1205	Products Liability—Negligent Failure to Warn893
VF-1206	Products Liability—Express Warranty—Affirmative Defense—Not “Basis of Bargain”897
VF-1207	Products Liability—Implied Warranty of Merchantability—Affirmative Defense—Exclusion of Implied Warranties900
VF-1208	Products Liability—Implied Warranty of Fitness for a Particular Purpose904
VF-1209–VF-1299	Reserved for Future Use907

ASSAULT AND BATTERY

1300	Battery—Essential Factual Elements910
1301	Assault—Essential Factual Elements913
1302	Consent Explained.....916
1303	Invalid Consent918
1304	Affirmative Defense—Self-Defense/Defense of Others920
1305A	Battery by Law Enforcement Officer (Nondeadly Force)—Essential Factual Elements922
1305B	Battery by Peace Officer (Deadly Force)—Essential Factual Elements926
1306	Sexual Battery—Essential Factual Elements (Civ. Code, § 1708.5).....930
1307–1319	Reserved for Future Use932
1320	Intent.....933
1321	Transferred Intent935
1322–1399	Reserved for Future Use935
VF-1300	Battery936
VF-1301	Battery—Self-Defense/Defense of Others at Issue939
VF-1302	Assault943
VF-1303A	Battery by Law Enforcement Officer (Nondeadly Force)947
VF-1303B	Battery by Peace Officer (Deadly Force)950
VF-1304–VF-1399	Reserved for Future Use952

FALSE IMPRISONMENT

1400	No Arrest Involved—Essential Factual Elements.....954
------	---

CALIFORNIA JURY INSTRUCTIONS

Inst. No.		Page
1401	False Arrest Without Warrant by Peace Officer—Essential Factual Elements.....	957
1402	False Arrest Without Warrant—Affirmative Defense—Peace Officer—Probable Cause to Arrest.....	959
1403	False Arrest Without Warrant by Private Citizen—Essential Factual Elements.....	962
1404	False Arrest Without Warrant—Affirmative Defense—Private Citizen—Probable Cause to Arrest.....	964
1405	False Arrest With Warrant—Essential Factual Elements.....	966
1406	False Arrest With Warrant—Peace Officer—Affirmative Defense—“Good-Faith” Exception.....	968
1407	Unnecessary Delay in Processing/Releasing—Essential Factual Elements.....	970
1408	Affirmative Defense—Police Officer’s Lawful Authority to Detain.....	973
1409	Common Law Right to Detain for Investigation.....	975
1410–1499	Reserved for Future Use.....	976
VF-1400	False Imprisonment—No Arrest Involved.....	977
VF-1401	False Imprisonment—No Arrest Involved—Affirmative Defense—Right to Detain for Investigation.....	980
VF-1402	False Arrest Without Warrant.....	983
VF-1403	False Arrest Without Warrant by Peace Officer—Affirmative Defense—Probable Cause to Arrest.....	986
VF-1404	False Arrest Without Warrant by Private Citizen—Affirmative Defense—Probable Cause to Arrest.....	989
VF-1405	False Arrest With Warrant.....	992
VF-1406	False Arrest With Warrant—Peace Officer—Affirmative Defense—“Good-Faith” Exception.....	995
VF-1407	False Imprisonment—Unnecessary Delay in Processing/Releasing.....	999
VF-1408–VF-1499	Reserved for Future Use.....	1001

MALICIOUS PROSECUTION

1500	Former Criminal Proceeding—Essential Factual Elements.....	1004
1501	Wrongful Use of Civil Proceedings.....	1009
1502	Wrongful Use of Administrative Proceedings.....	1016
1503	Affirmative Defense—Proceeding Initiated by Public Employee Within Scope of Employment (Gov. Code, § 821.6).....	1020
1504	Former Criminal Proceeding—“Actively Involved” Explained...	1022
1505–1509	Reserved for Future Use.....	1023
1510	Affirmative Defense—Reliance on Counsel.....	1024
1511	Wrongful Use of Civil Proceedings—Affirmative Defense—Attorney’s Reliance on Information Provided by Client.....	1026
1512–1519	Reserved for Future Use.....	1027
1520	Abuse of Process—Essential Factual Elements.....	1028
1521–1529	Reserved for Future Use.....	1030

TABLE OF INSTRUCTIONS

Inst. No.		Page
1530	Apportionment of Attorney Fees and Costs Between Proper and Improper Claims.....	1031
1531–1599	Reserved for Future Use	1032
VF-1500	Malicious Prosecution—Former Criminal Proceeding.....	1033
VF-1501	Malicious Prosecution—Wrongful Use of Civil Proceedings	1036
VF-1502	Malicious Prosecution—Wrongful Use of Civil Proceedings—Affirmative Defense—Reliance on Counsel	1039
VF-1503	Malicious Prosecution—Wrongful Use of Administrative Proceedings	1042
VF-1504	Abuse of Process.....	1045
VF-1505–VF-1599	Reserved for Future Use.....	1047

EMOTIONAL DISTRESS

1600	Intentional Infliction of Emotional Distress—Essential Factual Elements	1050
1601	Intentional Infliction of Emotional Distress—Fear of Cancer, HIV, or AIDS	1053
1602	Intentional Infliction of Emotional Distress—“Outrageous Conduct” Defined	1056
1603	Intentional Infliction of Emotional Distress—“Reckless Disregard” Defined	1058
1604	Intentional Infliction of Emotional Distress—“Severe Emotional Distress” Defined	1060
1605	Intentional Infliction of Emotional Distress—Affirmative Defense—Privileged Conduct	1062
1606–1619	Reserved for Future Use	1063
1620	Negligence—Recovery of Damages for Emotional Distress—No Physical Injury—Direct Victim—Essential Factual Elements.....	1064
1621	Negligence—Recovery of Damages for Emotional Distress—No Physical Injury—Bystander—Essential Factual Elements	1067
1622	Negligence—Recovery of Damages for Emotional Distress—No Physical Injury—Fear of Cancer, HIV, or AIDS—Essential Factual Elements.....	1072
1623	Negligence—Recovery of Damages for Emotional Distress—No Physical Injury—Fear of Cancer, HIV, or AIDS—Malicious, Oppressive, or Fraudulent Conduct—Essential Factual Elements	1075
1624–1699	Reserved for Future Use	1078
VF-1600	Intentional Infliction of Emotional Distress.....	1079
VF-1601	Intentional Infliction of Emotional Distress—Affirmative Defense—Privileged Conduct	1082
VF-1602	Intentional Infliction of Emotional Distress—Fear of Cancer, HIV, or AIDS	1086
VF-1603	Negligence—Recovery of Damages for Emotional Distress—No Physical Injury—Direct Victim	1089
VF-1604	Negligence—Recovery of Damages for Emotional Distress—No Physical Injury—Bystander	1092

CALIFORNIA JURY INSTRUCTIONS

Inst. No.	Page
VF-1605	Negligence—Recovery of Damages for Emotional Distress—No Physical Injury—Fear of Cancer, HIV, or AIDS.....1095
VF-1606	Negligence—Recovery of Damages for Emotional Distress—No Physical Injury—Fear of Cancer, HIV, or AIDS—Malicious, Oppressive, or Fraudulent Conduct1098
VF-1607–VF-1699	Reserved for Future Use.....1101

DEFAMATION

1700	Defamation per se—Essential Factual Elements (Public Officer/ Figure and Limited Public Figure)1104
1701	Defamation per quod—Essential Factual Elements (Public Officer/ Figure and Limited Public Figure)1111
1702	Defamation per se—Essential Factual Elements (Private Figure— Matter of Public Concern)1116
1703	Defamation per quod—Essential Factual Elements (Private Figure—Matter of Public Concern)1121
1704	Defamation per se—Essential Factual Elements (Private Figure— Matter of Private Concern)1125
1705	Defamation per quod—Essential Factual Elements (Private Figure—Matter of Private Concern).....1129
1706	Definition of Statement.....1133
1707	Fact Versus Opinion1135
1708	Coerced Self-Publication.....1139
1709	Retraction: News Publication or Broadcast (Civ. Code, § 48a) ..1141
1710–1719	Reserved for Future Use1142
1720	Affirmative Defense—Truth.....1143
1721	Affirmative Defense—Consent.....1145
1722	Affirmative Defense—Statute of Limitations—Defamation1147
1723	Common Interest Privilege—Malice (Civ. Code, § 47(c))1150
1724	Fair and True Reporting Privilege (Civ. Code, § 47(d)).....1153
1725–1729	Reserved for Future Use1155
1730	Slander of Title—Essential Factual Elements1156
1731	Trade Libel—Essential Factual Elements1160
1732–1799	Reserved for Future Use1163
VF-1700	Defamation per se (Public Officer/Figure and Limited Public Figure).....1164
VF-1701	Defamation per quod (Public Officer/Figure and Limited Public Figure).....1168
VF-1702	Defamation per se (Private Figure—Matter of Public Concern)1172
VF-1703	Defamation per quod (Private Figure—Matter of Public Concern)1177
VF-1704	Defamation per se—Affirmative Defense—Truth (Private Figure— Matter of Private Concern).....1182
VF-1705	Defamation per quod (Private Figure—Matter of Private Concern)1186
VF-1706–VF-1719	Reserved for Future Use.....1190

TABLE OF INSTRUCTIONS

Inst. No.		Page
VF-1720	Slander of Title	1191
VF-1721	Trade Libel.....	1194
VF-1722–VF-1799	Reserved for Future Use.....	1196
Table A	Defamation per se.....	1197
Table B	Defamation per quod.....	1198

Volume 2

RIGHT OF PRIVACY

1800	Intrusion Into Private Affairs	2
1801	Public Disclosure of Private Facts	6
1802	False Light.....	10
1803	Appropriation of Name or Likeness—Essential Factual Elements	14
1804A	Use of Name or Likeness (Civ. Code, § 3344).....	17
1804B	Use of Name or Likeness—Use in Connection With News, Public Affairs, or Sports Broadcast or Account, or Political Campaign (Civ. Code, § 3344(d))	20
1805	Affirmative Defense to Use or Appropriation of Name or Likeness—First Amendment (<i>Comedy III</i>)	24
1806	Affirmative Defense to Invasion of Privacy—First Amendment Balancing Test—Public Interest	27
1807	Affirmative Defense—Invasion of Privacy Justified.....	29
1808	Stalking (Civ. Code, § 1708.7) (Revoked)	31
1809	Recording of Confidential Information (Pen. Code, §§ 632, 637.2).....	32
1810	Distribution of Private Sexually Explicit Materials—Essential Factual Elements (Civ. Code, § 1708.85).....	34
1811	Reserved for Future Use	35
1812	Comprehensive Computer Data and Access Fraud Act—Essential Factual Elements (Pen. Code, § 502).....	36
1813	Definition of “Access” (Pen. Code, § 502(b)(1))	38
1814	Damages for Investigating Violations of Comprehensive Computer Data and Access Fraud Act (Pen. Code, § 502(e)(1)).....	39
1815–1819	Reserved for Future Use	39
1820	Damages	40
1821	Damages for Use of Name or Likeness (Civ. Code § 3344(a))	43
1822–1899	Reserved for Future Use	45
VF-1800	Privacy—Intrusion Into Private Affairs	46
VF-1801	Privacy—Public Disclosure of Private Facts	49
VF-1802	Privacy—False Light	52
VF-1803	Privacy—Appropriation of Name or Likeness	55
VF-1804	Privacy—Use of Name or Likeness (Civ. Code, § 3344).....	58
VF-1805–VF1806	Reserved for Future Use	61
VF-1807	Privacy—Recording of Confidential Information (Pen. Code, §§ 632, 637.2)	62

CALIFORNIA JURY INSTRUCTIONS

Inst. No.	Page
VF-1808–VF-1899	Reserved for Future Use64

FRAUD OR DECEIT

1900	Intentional Misrepresentation.....66
1901	Concealment.....69
1902	False Promise73
1903	Negligent Misrepresentation76
1904	Opinions as Statements of Fact.....80
1905	Definition of Important Fact/Promise (Revoked)83
1906	Misrepresentations Made to Persons Other Than the Plaintiff...84
1907	Reliance86
1908	Reasonable Reliance88
1909	Reserved for Future Use90
1910	Real Estate Seller’s Nondisclosure of Material Facts.....91
1911–1919	Reserved for Future Use93
1920	Buyer’s Damages for Purchase or Acquisition of Property94
1921	Buyer’s Damages for Purchase or Acquisition of Property—Lost Profits97
1922	Seller’s Damages for Sale or Exchange of Property99
1923	Damages—“Out of Pocket” Rule102
1924	Damages—“Benefit of the Bargain” Rule105
1925	Affirmative Defense—Statute of Limitations—Fraud or Mistake109
1926–1999	Reserved for Future Use.....111
VF-1900	Intentional Misrepresentation112
VF-1901	Concealment116
VF-1902	False Promise119
VF-1903	Negligent Misrepresentation123
VF-1904–VF-1999	Reserved for Future Use126

TRESPASS

2000	Trespass—Essential Factual Elements.....128
2001	Trespass—Extrahazardous Activities.....133
2002	Trespass to Timber—Essential Factual Elements (Civ. Code, § 3346)135
2003	Damage to Timber—Willful and Malicious Conduct.....139
2004	“Intentional Entry” Explained142
2005	Affirmative Defense—Necessity.....144
2006–2019	Reserved for Future Use.....145
2020	Public Nuisance—Essential Factual Elements.....146
2021	Private Nuisance—Essential Factual Elements.....151
2022	Private Nuisance—Balancing-Test Factors—Seriousness of Harm and Public Benefit158
2023	Failure to Abate Artificial Condition on Land Creating Nuisance161

TABLE OF INSTRUCTIONS

Inst. No.		Page
2024–2029	Reserved for Future Use.....	162
2030	Affirmative Defense—Statute of Limitations—Trespass or Private Nuisance.....	163
2031	Damages for Annoyance and Discomfort—Trespass or Nuisance.....	167
2032–2099	Reserved for Future Use.....	169
VF-2000	Trespass.....	170
VF-2001	Trespass—Affirmative Defense—Necessity.....	173
VF-2002	Trespass—Extrahazardous Activities.....	176
VF-2003	Trespass to Timber (Civ. Code, § 3346).....	179
VF-2004	Trespass to Timber—Willful and Malicious Conduct (Civ. Code, § 3346; Code Civ. Proc., § 733).....	182
VF-2005	Public Nuisance.....	185
VF-2006	Private Nuisance.....	189
VF-2007–VF-2099	Reserved for Future Use.....	192

CONVERSION

2100	Conversion—Essential Factual Elements.....	194
2101	Trespass to Chattels—Essential Factual Elements.....	200
2102	Presumed Measure of Damages for Conversion (Civ. Code, § 3336).....	203
2103–2199	Reserved for Future Use.....	207
VF-2100	Conversion.....	208
VF-2101–VF-2199	Reserved for Future Use.....	210

ECONOMIC INTERFERENCE

2200	Inducing Breach of Contract.....	212
2201	Intentional Interference With Contractual Relations—Essential Factual Elements.....	215
2202	Intentional Interference With Prospective Economic Relations—Essential Factual Elements.....	219
2203	Reserved for Future Use.....	223
2204	Negligent Interference With Prospective Economic Relations.....	224
2205	Intentional Interference With Expected Inheritance—Essential Factual Elements.....	228
2206–2209	Reserved for Future Use.....	230
2210	Affirmative Defense—Privilege to Protect Own Economic Interest.....	231
2211–2299	Reserved for Future Use.....	232
VF-2200	Inducing Breach of Contract.....	233
VF-2201	Intentional Interference With Contractual Relations.....	236
VF-2202	Intentional Interference With Prospective Economic Relations.....	239
VF-2203	Negligent Interference With Prospective Economic Relations.....	243
VF-2204–VF-2299	Reserved for Future Use.....	246

CALIFORNIA JURY INSTRUCTIONS

Inst. No.		Page
INSURANCE LITIGATION		
2300	Breach of Contractual Duty to Pay a Covered Claim—Essential Factual Elements	249
2301	Breach of Insurance Binder—Essential Factual Elements	251
2302	Breach of Contract for Temporary Life Insurance—Essential Factual Elements	254
2303	Affirmative Defense—Insurance Policy Exclusion	256
2304	Exception to Insurance Policy Exclusion—Burden of Proof.....	258
2305	Lost or Destroyed Insurance Policy.....	260
2306	Covered and Excluded Risks—Predominant Cause of Loss.....	263
2307	Insurance Agency Relationship Disputed	266
2308	Affirmative Defense—Misrepresentation or Concealment in Insurance Application	269
2309	Termination of Insurance Policy for Fraudulent Claim	273
2310–2319	Reserved for Future Use.....	274
2320	Affirmative Defense—Failure to Provide Timely Notice	275
2321	Affirmative Defense—Insured’s Breach of Duty to Cooperate in Defense.....	278
2322	Affirmative Defense—Insured’s Voluntary Payment.....	281
2323–2329	Reserved for Future Use.....	283
2330	Implied Obligation of Good Faith and Fair Dealing Explained ..	284
2331	Breach of the Implied Obligation of Good Faith and Fair Dealing—Failure or Delay in Payment (First Party)—Essential Factual Elements.....	288
2332	Bad Faith (First Party)—Failure to Properly Investigate Claim—Essential Factual Elements	293
2333	Bad Faith (First Party)—Breach of Duty to Inform Insured of Rights—Essential Factual Elements	297
2334	Bad Faith (Third Party)—Refusal to Accept Reasonable Settlement Demand Within Liability Policy Limits—Essential Factual Elements.....	300
2335	Bad Faith—Advice of Counsel	306
2336	Bad Faith (Third Party)—Unreasonable Failure to Defend—Essential Factual Elements	309
2337	Factors to Consider in Evaluating Insurer’s Conduct	313
2338–2349	Reserved for Future Use.....	315
2350	Damages for Bad Faith	316
2351	Insurer’s Claim for Reimbursement of Costs of Defense of Uncovered Claims	319
2352–2359	Reserved for Future Use.....	320
2360	Judgment Creditor’s Action Against Insurer—Essential Factual Elements.....	321
2361	Negligent Failure to Obtain Insurance Coverage—Essential Factual Elements	324
2362–2399	Reserved for Future Use.....	325
VF-2300	Breach of Contractual Duty to Pay a Covered Claim.....	326

TABLE OF INSTRUCTIONS

Inst. No.		Page
VF-2301	Breach of the Implied Obligation of Good Faith and Fair Dealing— Failure or Delay in Payment	328
VF-2302	Reserved for Future Use.....	330
VF-2303	Bad Faith (First Party)—Breach of Duty to Inform Insured of Rights	331
VF-2304	Bad Faith (Third Party)—Refusal to Accept Reasonable Settlement Demand Within Liability Policy Limits	334
VF-2305–VF-2399	Reserved for Future Use	337

WRONGFUL TERMINATION

2400	Breach of Employment Contract—Unspecified Term—“At-Will” Presumption	341
2401	Breach of Employment Contract—Unspecified Term—Actual or Constructive Discharge—Essential Factual Elements.....	343
2402	Reserved for Future Use.....	347
2403	Breach of Employment Contract—Unspecified Term—Implied-in- Fact Promise Not to Discharge Without Good Cause.....	348
2404	Breach of Employment Contract—Unspecified Term—“Good Cause” Defined	351
2405	Breach of Implied Employment Contract—Unspecified Term— “Good Cause” Defined—Misconduct	354
2406	Breach of Employment Contract—Unspecified Term—Damages.....	357
2407–2419	Reserved for Future Use.....	359
2420	Breach of Employment Contract—Specified Term—Essential Factual Elements	360
2421	Breach of Employment Contract—Specified Term—Good-Cause Defense (Lab. Code, § 2924)	362
2422	Breach of Employment Contract—Specified Term—Damages....	365
2423	Breach of Implied Covenant of Good Faith and Fair Dealing— Employment Contract—Essential Factual Elements	367
2424	Affirmative Defense—Breach of the Implied Covenant of Good Faith and Fair Dealing—Good Faith Though Mistaken Belief.....	370
2425–2429	Reserved for Future Use.....	371
2430	Wrongful Discharge in Violation of Public Policy—Essential Factual Elements	372
2431	Constructive Discharge in Violation of Public Policy—Plaintiff Required to Violate Public Policy	377
2432	Constructive Discharge in Violation of Public Policy—Plaintiff Required to Endure Intolerable Conditions That Violate Public Policy.....	381
2433–2440	Reserved for Future Use.....	384
2441	Discrimination Against Member of Military—Essential Factual Elements (Mil. & Vet. Code, § 394)	385
2442–2499	Reserved for Future Use.....	386
VF-2400	Breach of Employment Contract—Unspecified Term.....	387
VF-2401	Breach of Employment Contract—Unspecified Term—Constructive Discharge	390

CALIFORNIA JURY INSTRUCTIONS

Inst. No.	Page
VF-2402	Breach of Employment Contract—Specified Term393
VF-2403	Breach of Employment Contract—Specified Term—Good-Cause Defense.....396
VF-2404	Employment—Breach of the Implied Covenant of Good Faith and Fair Dealing399
VF-2405	Breach of the Implied Covenant of Good Faith and Fair Dealing— Affirmative Defense—Good Faith Mistaken Belief.....402
VF-2406	Wrongful Discharge in Violation of Public Policy406
VF-2407	Constructive Discharge in Violation of Public Policy—Plaintiff Required to Violate Public Policy409
VF-2408	Constructive Discharge in Violation of Public Policy—Plaintiff Required to Endure Intolerable Conditions for Improper Purpose That Violates Public Policy412
VF-2409–VF-2499	Reserved for Future Use415

FAIR EMPLOYMENT AND HOUSING ACT

2500	Disparate Treatment—Essential Factual Elements (Gov. Code, § 12940(a))420
2501	Affirmative Defense—Bona fide Occupational Qualification427
2502	Disparate Impact—Essential Factual Elements (Gov. Code, § 12940(a))430
2503	Affirmative Defense—Business Necessity/Job Relatedness433
2504	Disparate Impact—Rebuttal to Business Necessity/Job Relatedness Defense436
2505	Retaliation—Essential Factual Elements (Gov. Code, § 12940(h))438
2506	Limitation on Remedies—After-Acquired Evidence445
2507	“Substantial Motivating Reason” Explained449
2508	Failure to File Timely Administrative Complaint—Plaintiff Alleges Continuing Violation (Gov. Code, § 12960(e))451
2509	“Adverse Employment Action” Explained455
2510	“Constructive Discharge” Explained459
2511	Adverse Action Made by Decision Maker Without Animus (Cat’s Paw)462
2512	Limitation on Remedies—Same Decision465
2513	Business Judgment for “At-Will” Employment469
2514–2519	Reserved for Future Use470
2520	Quid pro quo Sexual Harassment—Essential Factual Elements471
2521A	Work Environment Harassment—Conduct Directed at Plaintiff— Essential Factual Elements—Employer or Entity Defendant (Gov. Code, §§ 12923, 12940(j))474
2521B	Work Environment Harassment—Conduct Directed at Others— Essential Factual Elements—Employer or Entity Defendant (Gov. Code, §§ 12923, 12940(j))481
2521C	Work Environment Harassment—Sexual Favoritism—Essential Factual Elements—Employer or Entity Defendant (Gov. Code, §§ 12923, 12940(j))486

TABLE OF INSTRUCTIONS

Inst. No.		Page
2522A	Work Environment Harassment—Conduct Directed at Plaintiff— Essential Factual Elements—Individual Defendant (Gov. Code, §§ 12923, 12940(j))	491
2522B	Work Environment Harassment—Conduct Directed at Others— Essential Factual Elements—Individual Defendant (Gov. Code, §§ 12923, 12940(j))	495
2522C	Work Environment Harassment—Sexual Favoritism—Essential Factual Elements—Individual Defendant (Gov. Code, §§ 12923, 12940(j))	499
2523	“Harassing Conduct” Explained	503
2524	“Severe or Pervasive” Explained	506
2525	Harassment—“Supervisor” Defined (Gov. Code, § 12926(t)).....	509
2526	Affirmative Defense—Avoidable Consequences Doctrine (Sexual Harassment by a Supervisor)	512
2527	Failure to Prevent Harassment, Discrimination, or Retaliation— Essential Factual Elements—Employer or Entity Defendant (Gov. Code, § 12940(k))	515
2528	Failure to Prevent Harassment by Nonemployee (Gov. Code, § 12940(j))	518
2529–2539	Reserved for Future Use	520
2540	Disability Discrimination—Disparate Treatment—Essential Factual Elements	521
2541	Disability Discrimination—Reasonable Accommodation— Essential Factual Elements (Gov. Code, § 12940(m))	529
2542	Disability Discrimination—“Reasonable Accommodation” Explained	536
2543	Disability Discrimination—“Essential Job Duties” Explained (Gov. Code, §§ 12926(f), 12940(a)(1))	539
2544	Disability Discrimination—Affirmative Defense—Health or Safety Risk	542
2545	Disability Discrimination—Affirmative Defense—Undue Hardship	545
2546	Disability Discrimination—Reasonable Accommodation—Failure to Engage in Interactive Process (Gov. Code, § 12940(n))	547
2547	Disability-Based Associational Discrimination—Essential Factual Elements	552
2548	Disability Discrimination—Refusal to Make Reasonable Accommodation in Housing (Gov. Code, § 12927(c)(1)).....	556
2549	Disability Discrimination—Refusal to Permit Reasonable Modification to Housing Unit (Gov. Code, § 12927(c)(1)).....	559
2550–2559	Reserved for Future Use	561
2560	Religious Creed Discrimination—Failure to Accommodate— Essential Factual Elements (Gov. Code, § 12940(l)).....	562
2561	Religious Creed Discrimination—Reasonable Accommodation— Affirmative Defense—Undue Hardship (Gov. Code, §§ 12940(l)(1), 12926(u))	566
2562–2569	Reserved for Future Use	568
2570	Age Discrimination—Disparate Treatment—Essential Factual Elements	569

CALIFORNIA JURY INSTRUCTIONS

Inst. No.		Page
2571–2579	Reserved for Future Use	572
2580	Pregnancy Discrimination—Failure to Accommodate—Essential Factual Elements (Gov. Code, § 12945(a)(3)(A))	573
2581	Pregnancy Discrimination—“Reasonable Accommodation” Explained	575
2582–2599	Reserved for Future Use	576
VF-2500	Disparate Treatment (Gov. Code, § 12940(a)).....	577
VF-2501	Disparate Treatment—Affirmative Defense—Bona fide Occupational Qualification (Gov. Code, § 12940(a)).....	580
VF-2502	Disparate Impact (Gov. Code, § 12940(a)).....	585
VF-2503	Disparate Impact (Gov. Code, § 12940(a))—Affirmative Defense—Business Necessity/Job Relatedness—Rebuttal to Business Necessity/Job Relatedness Defense	588
VF-2504	Retaliation (Gov. Code, § 12940(h))	592
VF-2505	Quid pro quo Sexual Harassment.....	595
VF-2506A	Work Environment Harassment—Conduct Directed at Plaintiff—Employer or Entity Defendant (Gov. Code, §§ 12923, 12940(j)).....	598
VF-2506B	Work Environment Harassment—Conduct Directed at Others—Employer or Entity Defendant (Gov. Code, §§ 12923, 12940(j)).....	602
VF-2506C	Work Environment Harassment—Sexual Favoritism—Employer or Entity Defendant (Gov. Code, §§ 12923, 12940(j)).....	606
VF-2507A	Work Environment Harassment—Conduct Directed at Plaintiff—Individual Defendant (Gov. Code, §§ 12923, 12940(j))	610
VF-2507B	Work Environment Harassment—Conduct Directed at Others—Individual Defendant (Gov. Code, §§ 12923, 12940(j))	614
VF-2507C	Work Environment Harassment—Sexual Favoritism—Individual Defendant (Gov. Code, §§ 12923, 12940(j))	618
VF-2508	Disability Discrimination—Disparate Treatment	622
VF-2509	Disability Discrimination—Reasonable Accommodation (Gov. Code, § 12940(m))	627
VF-2510	Disability Discrimination—Reasonable Accommodation—Affirmative Defense—Undue Hardship (Gov. Code, § 12940(m))	631
VF-2511	Religious Creed Discrimination—Failure to Accommodate (Gov. Code, § 12940(l)).....	636
VF-2512	Religious Creed Discrimination—Failure to Accommodate—Affirmative Defense—Undue Hardship (Gov. Code, §§ 12926(u), 12940(l)).....	640
VF-2513	Disability Discrimination—Reasonable Accommodation—Failure to Engage in Interactive Process (Gov. Code, § 12940(n))	645
VF-2514	Failure to Prevent Harassment, Discrimination, or Retaliation	650
VF-2515	Limitation on Remedies—Same Decision	652
VF-2516–VF-2599	Reserved for Future Use	655

CALIFORNIA FAMILY RIGHTS ACT

2600	Violation of CFRA Rights—Essential Factual Elements	658
------	---	-----

TABLE OF INSTRUCTIONS

Inst. No.	Page
2601	Eligibility662
2602	Reasonable Notice by Employee of Need for CFRA Leave664
2603	“Comparable Job” Explained667
2604–2609	Reserved for Future Use.....668
2610	Affirmative Defense—No Certification From Health Care Provider.....669
2611	Affirmative Defense—Fitness for Duty Statement.....671
2612	Affirmative Defense—Employment Would Have Ceased.....673
2613	Affirmative Defense—Key Employee (Revoked).....675
2614–2619	Reserved for Future Use.....675
2620	CFRA Rights Retaliation—Essential Factual Elements (Gov. Code, § 12945.2(k)).....676
2621–2629	Reserved for Future Use.....678
2630	Violation of New Parent Leave Act—Essential Factual Elements (Gov. Code, § 12945.6) (Revoked).....679
2631–2699	Reserved for Future Use.....679
VF-2600	Violation of CFRA Rights680
VF-2601	Violation of CFRA Rights—Affirmative Defense—Employment Would Have Ceased683
VF-2602	CFRA Rights Retaliation687
VF-2603–VF-2699	Reserved for Future Use689

LABOR CODE ACTIONS

2700	Nonpayment of Wages—Essential Factual Elements (Lab. Code, §§ 201, 202, 218)693
2701	Nonpayment of Minimum Wage—Essential Factual Elements (Lab. Code, § 1194)697
2702	Nonpayment of Overtime Compensation—Essential Factual Elements (Lab. Code, § 1194).....700
2703	Nonpayment of Overtime Compensation—Proof of Overtime Hours Worked703
2704	Waiting-Time Penalty for Nonpayment of Wages (Lab. Code, §§ 203, 218).....705
2705	Independent Contractor—Affirmative Defense—Worker Was Not Hiring Entity’s Employee (Lab. Code, § 2775)710
2706–2709	Reserved for Future Use.....712
2710	Solicitation of Employee by Misrepresentation—Essential Factual Elements (Lab. Code, § 970).....713
2711	Preventing Subsequent Employment by Misrepresentation— Essential Factual Elements (Lab. Code, § 1050)716
2712–2719	Reserved for Future Use.....718
2720	Affirmative Defense—Nonpayment of Overtime—Executive Exemption719
2721	Affirmative Defense—Nonpayment of Overtime—Administrative Exemption723
2722–2731	Reserved for Future Use.....727

CALIFORNIA JURY INSTRUCTIONS

Inst. No.		Page
2732	Retaliatory Unfair Immigration-Related Practice—Essential Factual Elements (Lab. Code, § 1019).....	728
2733–2739	Reserved for Future Use.....	730
2740	Violation of Equal Pay Act—Essential Factual Elements (Lab. Code, § 1197.5)	731
2741	Affirmative Defense—Different Pay Justified	733
2742	Bona Fide Factor Other Than Sex, Race, or Ethnicity	735
2743	Equal Pay Act—Retaliation—Essential Factual Elements (Lab. Code, § 1197.5(k))	737
2744–2749	Reserved for Future Use.....	738
2750	Failure to Reimburse Employee for Necessary Expenditures or Losses—Essential Factual Elements (Lab. Code, § 2802(a)) ...	739
2751	Reserved for Future Use.....	740
2752	Tip Pool Conversion—Essential Factual Elements (Lab. Code, § 351).....	741
2753	Failure to Pay All Vested Vacation Time—Essential Factual Elements (Lab. Code, § 227.3).....	743
2754	Reporting Time Pay—Essential Factual Elements	745
2755–2759	Reserved for Future Use.....	747
2760	Rest Break Violations—Introduction (Lab. Code, § 226.7)	748
2761	Rest Break Violations—Essential Factual Elements (Lab. Code, § 226.7).....	751
2762	Rest Break Violations—Pay Owed.....	753
2763–2764	Reserved for Future Use.....	754
2765	Meal Break Violations—Introduction (Lab. Code, §§ 226.7, 512).....	755
2766A	Meal Break Violations—Essential Factual Elements (Lab. Code, §§ 226.7, 512).....	758
2766B	Meal Break Violations—Rebuttable Presumption—Employer Records.....	760
2767	Meal Break Violations—Pay Owed	764
2768–2769	Reserved for Future Use.....	765
2770	Affirmative Defense—Meal Breaks—Waiver by Mutual Consent	766
2771	Affirmative Defense—Meal Breaks—Written Consent to On-Duty Meal Breaks	768
2772–2774	Reserved for Future Use.....	769
2775	Nonpayment of Wages Under Rounding System—Essential Factual Elements.....	770
2776–2799	Reserved for Future Use.....	771
VF-2700	Nonpayment of Wages (Lab. Code, §§ 201, 202, 218).....	772
VF-2701	Nonpayment of Minimum Wage (Lab. Code, § 1194)	774
VF-2702	Nonpayment of Overtime Compensation (Lab. Code, § 1194) ...	776
VF-2703	Waiting-Time Penalty for Nonpayment of Wages (Lab. Code, §§ 203, 218).....	778
VF-2704	Solicitation of Employee by Misrepresentation (Lab. Code, § 970).....	780
VF-2705	Preventing Subsequent Employment by Misrepresentation (Lab. Code, § 1050)	784

TABLE OF INSTRUCTIONS

Inst. No.	Page
VF-2706	Rest Break Violations (Lab. Code, § 226.7)787
VF-2707	Meal Break Violations (Lab. Code, §§ 226.7, 512).....789
VF-2708	Meal Break Violations—Employer Records Showing Noncompliance (Lab. Code, §§ 226.7, 512)791
VF-2709	Meal Break Violations—Inaccurate or Missing Employer Records (Lab. Code, §§ 226.7, 512).....793
VF-2710–VF-2799	Reserved for Future Use794

WORKERS' COMPENSATION

2800	Employer's Affirmative Defense—Injury Covered by Workers' Compensation796
2801	Employer's Willful Physical Assault—Essential Factual Elements (Lab. Code, § 3602(b)(1))801
2802	Fraudulent Concealment of Injury—Essential Factual Elements (Lab. Code, § 3602(b)(2))804
2803	Employer's Defective Product—Essential Factual Elements (Lab. Code, § 3602(b)(3))807
2804	Removal or Noninstallation of Power Press Guards—Essential Factual Elements (Lab. Code, § 4558).....809
2805	Employee Not Within Course of Employment—Employer Conduct Unrelated to Employment813
2806–2809	Reserved for Future Use.....814
2810	Coemployee's Affirmative Defense—Injury Covered by Workers' Compensation815
2811	Co-Employee's Willful and Unprovoked Physical Act of Aggression—Essential Factual Elements (Lab. Code, § 3601(a)(1))818
2812	Injury Caused by Co-Employee's Intoxication—Essential Factual Elements (Lab. Code, § 3601(a)(2))821
2813–2899	Reserved for Future Use.....822
VF-2800	Employer's Willful Physical Assault (Lab. Code, § 3602(b)(1))...823
VF-2801	Fraudulent Concealment of Injury (Lab. Code, § 3602(b)(2))826
VF-2802	Employer's Defective Product (Lab. Code, § 3602(b)(3)).....830
VF-2803	Removal or Noninstallation of Power Press Guards (Lab. Code, § 4558)833
VF-2804	Co-Employee's Willful and Unprovoked Physical Act of Aggression (Lab. Code, § 3601(a)(1))837
VF-2805	Injury Caused by Co-Employee's Intoxication (Lab. Code, § 3601(a)(2))840
VF-2806–VF-2899	Reserved for Future Use842

FEDERAL EMPLOYERS' LIABILITY ACT

2900	FELA—Essential Factual Elements844
2901	Negligence—Duty of Railroad847
2902	Negligence—Assignment of Employees849
2903	Causation—Negligence.....851

CALIFORNIA JURY INSTRUCTIONS

Inst. No.		Page
2904	Comparative Fault	853
2905	Compliance With Employer’s Requests or Directions.....	855
2906–2919	Reserved for Future Use.....	856
2920	Federal Safety Appliance Act or Boiler Inspection Act—Essential Factual Elements	857
2921	Causation Under FSAA or BIA	860
2922	Statute of Limitations—Special Verdict Form or Interrogatory ..	862
2923	Borrowed Servant/Dual Employee.....	864
2924	Status as Defendant’s Employee—Subservant Company	869
2925	Status of Defendant as Common Carrier	872
2926	Scope of Employment	874
2927–2939	Reserved for Future Use.....	876
2940	Income Tax Effects of Award	877
2941	Introduction to Damages for Personal Injury	878
2942	Damages for Death of Employee.....	881
2943–2999	Reserved for Future Use.....	884
VF-2900	FELA—Negligence—Plaintiff’s Negligence at Issue	885
VF-2901	Federal Safety Appliance Act or Boiler Inspection Act	890
VF-2902–VF-2999	Reserved for Future Use	893

CIVIL RIGHTS

3000	Violation of Federal Civil Rights—In General—Essential Factual Elements (42 U.S.C. § 1983).....	898
3001	Local Government Liability—Policy or Custom—Essential Factual Elements (42 U.S.C. § 1983).....	902
3002	“Official Policy or Custom” Explained (42 U.S.C. § 1983).....	906
3003	Local Government Liability—Failure to Train—Essential Factual Elements (42 U.S.C. § 1983).....	909
3004	Local Government Liability—Act or Ratification by Official With Final Policymaking Authority—Essential Factual Elements (42 U.S.C. § 1983).....	912
3005	Supervisor Liability for Acts of Subordinates (42 U.S.C. § 1983)	915
3006–3014	Reserved for Future Use.....	918
3015	Reserved for Future Use.....	918
3016–3019	Reserved for Future Use.....	918
3020	Excessive Use of Force—Unreasonable Arrest or Other Seizure— Essential Factual Elements (42 U.S.C. § 1983).....	919
3021	Unlawful Arrest by Peace Officer Without a Warrant—Essential Factual Elements (42 U.S.C. § 1983)	928
3022	Unreasonable Search—Search With a Warrant—Essential Factual Elements (42 U.S.C. § 1983).....	931
3023	Unreasonable Search or Seizure—Search or Seizure Without a Warrant—Essential Factual Elements (42 U.S.C. § 1983)	934
3024	Affirmative Defense—Search Incident to Lawful Arrest	937
3025	Affirmative Defense—Consent to Search	939

TABLE OF INSTRUCTIONS

Inst. No.	Page
3026	Affirmative Defense—Exigent Circumstances942
3027	Affirmative Defense—Emergency945
3028–3039	Reserved for Future Use946
3040	Violation of Prisoner’s Federal Civil Rights—Eighth Amendment— Substantial Risk of Serious Harm (42 U.S.C. § 1983)947
3041	Violation of Prisoner’s Federal Civil Rights—Eighth Amendment— Medical Care (42 U.S.C. § 1983)951
3042	Violation of Prisoner’s Federal Civil Rights—Eighth Amendment— Excessive Force (42 U.S.C. § 1983)957
3043	Violation of Prisoner’s Federal Civil Rights—Eighth Amendment— Deprivation of Necessities (42 U.S.C. § 1983)961
3044–3045	Reserved for Future Use964
3046	Violation of Pretrial Detainee’s Federal Civil Rights—Fourteenth Amendment—Medical Care and Conditions of Confinement (42 U.S.C. § 1983)965
3047–3049	Reserved for Future Use967
3050	Retaliation—Essential Factual Elements (42 U.S.C. § 1983)968
3051	Unlawful Removal of Child From Parental Custody Without a Warrant—Essential Factual Elements (42 U.S.C. § 1983)972
3052	Use of Fabricated Evidence—Essential Factual Elements (42 U.S.C. § 1983)976
3053	Retaliation for Exercise of Free Speech Rights—Public Employee— Essential Factual Elements (42 U.S.C. § 1983)980
3054	Reserved for Future Use984
3055	Rebuttal of Retaliatory Motive985
3056–3059	Reserved for Future Use986
3060	Unruh Civil Rights Act—Essential Factual Elements (Civ. Code, §§ 51, 52)987
3061	Discrimination in Business Dealings—Essential Factual Elements (Civ. Code, § 51.5)993
3062	Gender Price Discrimination—Essential Factual Elements (Civ. Code, § 51.6)997
3063	Acts of Violence—Ralph Act—Essential Factual Elements (Civ. Code, § 51.7)999
3064	Threats of Violence—Ralph Act—Essential Factual Elements (Civ. Code, § 51.7)1001
3065	Sexual Harassment in Defined Relationship—Essential Factual Elements (Civ. Code, § 51.9)1004
3066	Bane Act—Essential Factual Elements (Civ. Code, § 52.1)1006
3067	Unruh Civil Rights Act—Damages (Civ. Code, §§ 51, 52(a))1011
3068	Ralph Act—Damages and Penalty (Civ. Code, §§ 51.7, 52(b))1013
3069	Harassment in Educational Institution (Ed. Code, § 220)1015
3070	Disability Discrimination—Access Barriers to Public Facility— Construction-Related Accessibility Standards Act—Essential Factual Elements (Civ. Code, §§ 54.3, 55.56)1017
3071	Retaliation for Refusing to Authorize Disclosure of Medical Information—Essential Factual Elements (Civ. Code, § 56.20(b))1020

CALIFORNIA JURY INSTRUCTIONS

Inst. No.		Page
3072–3099	Reserved for Future Use	1021
VF-3000	Violation of Federal Civil Rights—In General (42 U.S.C. § 1983)	1022
VF-3001	Public Entity Liability (42 U.S.C. § 1983)	1025
VF-3002	Public Entity Liability—Failure to Train (42 U.S.C. § 1983)	1029
VF-3003–VF-3009	Reserved for Future Use	1031
VF-3010	Excessive Use of Force—Unreasonable Arrest or Other Seizure (42 U.S.C. § 1983)	1032
VF-3011	Unreasonable Search—Search With a Warrant (42 U.S.C. § 1983)	1035
VF-3012	Unreasonable Search or Seizure—Search or Seizure Without a Warrant (42 U.S.C. § 1983)	1038
VF-3013	Unreasonable Search—Search Without a Warrant—Affirmative Defense—Search Incident to Lawful Arrest (42 U.S.C. § 1983)	1041
VF-3014–VF-3019	Reserved for Future Use	1044
VF-3020	Violation of Prisoner’s Federal Civil Rights—Eighth Amendment—Excessive Force (42 U.S.C. § 1983)	1045
VF-3021	Violation of Prisoner’s Federal Civil Rights—Eighth Amendment—Substantial Risk of Serious Harm (42 U.S.C. § 1983)	1048
VF-3022	Violation of Prisoner’s Federal Civil Rights—Eighth Amendment—Medical Care (42 U.S.C. § 1983)	1052
VF-3023	Violation of Prisoner’s Federal Civil Rights—Eighth Amendment—Deprivation of Necessities	1056
VF-3024–VF-3029	Reserved for Future Use	1059
VF-3030	Unruh Civil Rights Act (Civ. Code, §§ 51, 52(a))	1060
VF-3031	Discrimination in Business Dealings. (Civ. Code, §§ 51.5, 52(a))	1063
VF-3032	Gender Price Discrimination (Civ. Code, § 51.6)	1066
VF-3033	Ralph Act (Civ. Code, § 51.7)	1069
VF-3034	Sexual Harassment in Defined Relationship (Civ. Code, § 51.9)	1073
VF-3035	Bane Act (Civ. Code, § 52.1)	1077
VF-3036–VF-3099	Reserved for Future Use	1080

ELDER ABUSE AND DEPENDENT ADULT CIVIL PROTECTION ACT

3100	Financial Abuse—Essential Factual Elements (Welf. & Inst. Code, § 15610.30)	1083
3101	Financial Abuse—Decedent’s Pain and Suffering (Welf. & Inst. Code, § 15657.5)	1087
3102	Reserved for Future Use	1088
3102A	Employer Liability for Enhanced Remedies—Both Individual and Employer Defendants (Welf. & Inst. Code, §§ 15657, 15657.05; Civ. Code, § 3294(b))	1089
3102B	Employer Liability for Enhanced Remedies—Employer Defendant Only (Welf. & Inst. Code, §§ 15657, 15657.05; Civ. Code, § 3294(b))	1092

TABLE OF INSTRUCTIONS

Inst. No.		Page
3103	Neglect—Essential Factual Elements (Welf. & Inst. Code, § 15610.57)	1094
3104	Neglect—Enhanced Remedies Sought (Welf. & Inst. Code, § 15657).....	1099
3105	Reserved for Future Use	1101
3106	Physical Abuse—Essential Factual Elements (Welf. & Inst. Code, § 15610.63)	1102
3107	Physical Abuse—Enhanced Remedies Sought (Welf. & Inst. Code, § 15657).....	1104
3108	Reserved for Future Use	1106
3109	Abduction—Essential Factual Elements (Welf. & Inst. Code, § 15610.06)	1107
3110	Abduction—Enhanced Remedies Sought (Welf. & Inst. Code, § 15657.05)	1110
3111	Reserved for Future Use	1111
3112	“Dependent Adult” Explained (Welf. & Inst. Code, § 15610.23).....	1112
3113	“Recklessness” Explained.....	1114
3114	“Malice” Explained	1116
3115	“Oppression” Explained.....	1118
3116	“Fraud” Explained	1120
3117	Financial Abuse—“Undue Influence” Explained	1122
3118–3199	Reserved for Future Use	1123
VF-3100	Financial Abuse—Individual or Individual and Employer Defendants (Welf. & Inst. Code, §§ 15610.30, 15657.5(b))	1124
VF-3101	Financial Abuse—Employer Defendant Only (Welf. & Inst. Code, §§ 15610.30, 15657.5(b))	1128
VF-3102	Neglect—Individual or Individual and Employer Defendants (Welf. & Inst. Code, §§ 15610.57, 15657; Civ. Code, § 3294(b)).....	1132
VF-3103	Neglect—Employer Defendant Only (Welf. & Inst. Code, §§ 15610.57, 15657; Civ. Code, § 3294(b)).....	1137
VF-3104	Physical Abuse—Individual or Individual and Employer Defendants (Welf. & Inst. Code, §§ 15610.63, 15657; Civ. Code, § 3294(b)).....	1141
VF-3105	Physical Abuse—Employer Defendant Only (Welf. & Inst. Code, §§ 15610.63, 15657; Civ. Code, § 3294(b)).....	1145
VF-3106	Abduction—Individual or Individual and Employer Defendants (Welf. & Inst. Code, §§ 15610.06, 15657.05; Civ. Code, § 3294(b))	1149
VF-3107	Abduction—Employer Defendant Only (Welf. & Inst. Code, §§ 15610.06, 15657.05; Civ. Code, § 3294(b))	1153
VF-3108–VF-3199	Reserved for Future Use.....	1156
Table A	Elder Abuse: Causes of Action, Remedies, and Employer Liability	1157

CALIFORNIA JURY INSTRUCTIONS

Inst. No.

Page

Volume 3

SONG-BEVERLY CONSUMER WARRANTY ACT

3200 Failure to Repurchase or Replace Consumer Good After Reasonable Number of Repair Opportunities—Essential Factual Elements (Civ. Code, § 1793.2(d)).....3

3201 Failure to Promptly Repurchase or Replace New Motor Vehicle After Reasonable Number of Repair Opportunities—Essential Factual Elements (Civ. Code, § 1793.2(d))7

3202 “Repair Opportunities” Explained.....12

3203 Reasonable Number of Repair Opportunities—Rebuttable Presumption (Civ. Code, § 1793.22(b))14

3204 “Substantially Impaired” Explained17

3205 Failure to Begin Repairs Within Reasonable Time or to Complete Repairs Within 30 Days—Essential Factual Elements (Civ. Code, § 1793.2(b)).....19

3206 Breach of Disclosure Obligations—Essential Factual Elements...21

3207–3209 Reserved for Future Use22

3210 Breach of Implied Warranty of Merchantability—Essential Factual Elements23

3211 Breach of Implied Warranty of Fitness for a Particular Purpose— Essential Factual Elements.....27

3212 Duration of Implied Warranty.....31

3213–3219 Reserved for Future Use32

3220 Affirmative Defense—Unauthorized or Unreasonable Use.....33

3221 Affirmative Defense—Disclaimer of Implied Warranties35

3222 Affirmative Defense—Statute of Limitations (Cal. U. Com. Code, § 2725).....37

3223–3229 Reserved for Future Use38

3230 Continued Reasonable Use Permitted39

3231 Continuation of Express or Implied Warranty During Repairs (Civ. Code, § 1795.6)41

3232–3239 Reserved for Future Use42

3240 Reimbursement Damages—Consumer Goods (Civ. Code, §§ 1793.2(d)(1), 1794(b))43

3241 Restitution From Manufacturer—New Motor Vehicle (Civ. Code, §§ 1793.2(d)(2), 1794(b))45

3242 Incidental Damages.....48

3243 Consequential Damages.....50

3244 Civil Penalty—Willful Violation (Civ. Code, § 1794(c)).....52

3245–3299 Reserved for Future Use55

VF-3200 Failure to Repurchase or Replace Consumer Good After Reasonable Number of Repair Opportunities (Civ. Code, § 1793.2(d)).....56

VF-3201 Consequential Damages.....59

VF-3202 Failure to Repurchase or Replace Consumer Good After

TABLE OF INSTRUCTIONS

Inst. No.		Page
	Reasonable Number of Repair Opportunities—Affirmative Defense—Unauthorized or Unreasonable Use (Civ. Code, § 1793.2(d)).....	99
VF-3203	Breach of Express Warranty—New Motor Vehicle—Civil Penalty Sought	66
VF-3204	Breach of Implied Warranty of Merchantability.....	70
VF-3205	Breach of Implied Warranty of Merchantability—Affirmative Defense—Disclaimer of Implied Warranties	72
VF-3206	Breach of Disclosure Obligations.....	75
VF-3207–VF-3299	Reserved for Future Use	77

UNFAIR PRACTICES ACT

3300	Locality Discrimination—Essential Factual Elements.....	80
3301	Below Cost Sales—Essential Factual Elements	83
3302	Loss Leader Sales—Essential Factual Elements	87
3303	Definition of “Cost”	90
3304	Presumptions Concerning Costs—Manufacturer	93
3305	Presumptions Concerning Costs—Distributor	95
3306	Methods of Allocating Costs to an Individual Product.....	97
3307–3319	Reserved for Future Use	98
3320	Secret Rebates—Essential Factual Elements.....	99
3321	Secret Rebates—Definition of “Secret”	102
3322–3329	Reserved for Future Use.....	103
3330	Affirmative Defense to Locality Discrimination Claim—Cost Justification	104
3331	Affirmative Defense to Locality Discrimination, Below Cost Sales, and Loss Leader Sales Claims—Closed-out, Discontinued, Damaged, or Perishable Items	106
3332	Affirmative Defense to Locality Discrimination, Below Cost Sales, Loss Leader Sales, and Secret Rebates—Functional Classifications	108
3333	Affirmative Defense to Locality Discrimination, Below Cost Sales, and Loss Leader Sales Claims—Meeting Competition	110
3334	Affirmative Defense to Locality Discrimination Claim—Manufacturer Meeting Downstream Competition.....	112
3335	Affirmative Defense—“Good Faith” Explained	114
3336–3399	Reserved for Future Use.....	115
VF-3300	Locality Discrimination	116
VF-3301	Locality Discrimination Claim—Affirmative Defense—Cost Justification	118
VF-3302	Below Cost Sales	121
VF-3303	Below Cost Sales Claim—Affirmative Defense—Closed-out, Discontinued, Damaged, or Perishable Items.....	123
VF-3304	Loss Leader Sales	126
VF-3305	Loss Leader Sales Claim—Affirmative Defense—Meeting Competition.....	129
VF-3306	Secret Rebates	132

CALIFORNIA JURY INSTRUCTIONS

Inst. No.	Page
VF-3307	Secret Rebates Claim—Affirmative Defense—Functional Classifications135
VF-3308–VF-3339	Reserved for Future Use138

CARTWRIGHT ACT

3400	Horizontal and Vertical Restraints (Use for Direct Competitors)—Price Fixing—Essential Factual Elements141
3401	Horizontal Restraints (Use for Direct Competitors)—Allocation of Trade or Commerce—Essential Factual Elements145
3402	Horizontal Restraints—Dual Distributor Restraints—Essential Factual Elements148
3403	Horizontal Restraints (Use for Direct Competitors)—Group Boycott—Per Se Violation—Essential Factual Elements151
3404	Horizontal Restraints—Group Boycott—Rule of Reason—Essential Factual Elements154
3405	Horizontal and Vertical Restraints (Use for Direct Competitors or Supplier/Reseller Relations)—Other Unreasonable Restraint of Trade—Rule of Reason—Essential Factual Elements157
3406	Horizontal and Vertical Restraints—“Agreement” Explained160
3407	Horizontal and Vertical Restraints—Agreement Between Company and Its Employee163
3408	Vertical Restraints—“Coercion” Explained165
3409	Vertical Restraints—Termination of Reseller167
3410	Vertical Restraints—Agreement Between Seller and Reseller’s Competitor169
3411	Rule of Reason—Anticompetitive Versus Beneficial Effects171
3412	Rule of Reason—“Market Power” Explained173
3413	Rule of Reason—“Product Market” Explained175
3414	Rule of Reason—“Geographic Market” Explained177
3415–3419	Reserved for Future Use179
3420	Tying—Real Estate, Products, or Services—Essential Factual Elements (Bus. & Prof. Code, § 16720)180
3421	Tying—Products or Services—Essential Factual Elements (Bus. & Prof. Code, § 16727)184
3422	Tying—“Separate Products” Explained187
3423	Tying—“Economic Power” Explained189
3424–3429	Reserved for Future Use190
3430	“Noerr-Pennington” Doctrine191
3431	Affirmative Defense— <i>In Pari Delicto</i>194
3432–3439	Reserved for Future Use195
3440	Damages196
3441–3499	Reserved for Future Use197
VF-3400	Horizontal and Vertical Restraints (Use for Direct Competitors)—Price Fixing198
VF-3401	Horizontal Restraints (Use for Direct Competitors)—Allocation of Trade or Commerce200

TABLE OF INSTRUCTIONS

Inst. No.		Page
VF-3402	Horizontal Restraints (Use for Direct Competitors)—Allocation of Trade or Commerce—Affirmative Defense— <i>In Pari Delicto</i> . . .	202
VF-3403	Horizontal Restraints—Dual Distributor Restraints	205
VF-3404	Horizontal Restraints (Use for Direct Competitors)—Group Boycott—Per Se Violation.	208
VF-3405	Horizontal Restraints—Group Boycott—Rule of Reason	210
VF-3406	Horizontal and Vertical Restraints (Use for Direct Competitors or Supplier/Reseller Relations)—Other Unreasonable Restraint of Trade—Rule of Reason	213
VF-3407	Horizontal and Vertical Restraints (Use for Direct Competitors or Supplier/Reseller Relations)—Other Unreasonable Restraint of Trade—Rule of Reason Affirmative Defense—“Noerr-Pennington” Doctrine	216
VF-3408	Tying—Real Estate, Products, or Services (Bus. & Prof. Code, § 16720)	219
VF-3409	Tying—Products or Services (Bus. & Prof. Code, § 16727)	222
VF-3410–VF-3499	Reserved for Future Use	224

EMINENT DOMAIN

3500	Introductory Instruction	226
3501	“Fair Market Value” Explained	228
3502	“Highest and Best Use” Explained	231
3503	Change in Zoning or Land Use Restriction	234
3504	Project Enhanced Value.	236
3505	Information Discovered After Date of Valuation	238
3506	Effect of Improvements	239
3507	Personal Property and Inventory	241
3508	Bonus Value of Leasehold Interest	243
3509A	Precondemnation Damages—Unreasonable Delay (<i>Klopping</i> Damages)	245
3509B	Precondemnation Damages—Public Entity’s Authorized Entry to Investigate Property’s Suitability (Code Civ. Proc., § 1245.060)	248
3510	Value of Easement.	251
3511A	Severance Damages to Remainder (Code Civ. Proc., §§ 1263.410, 1263.420(a)	253
3511B	Damage to Remainder During Construction (Code Civ. Proc., § 1263.420(b))	257
3512	Severance Damages—Offset for Benefits	260
3513	Goodwill	262
3514	Burden of Proof	266
3515	Valuation Testimony.	267
3516	View	269
3517	Comparable Sales (Evid. Code, § 816)	270
3518–3599	Reserved for Future Use.	271
VF-3500	Fair Market Value Plus Goodwill	272
VF-3501	Fair Market Value Plus Severance Damages	274

CALIFORNIA JURY INSTRUCTIONS

Inst. No.		Page
VF-3502	Fair Market Value Plus Loss of Inventory/Personal Property . . .	276
VF-3503–VF-3599	Reserved for Future Use	277

CONSPIRACY

3600	Conspiracy—Essential Factual Elements	280
3601	Ongoing Conspiracy	284
3602	Affirmative Defense—Agent and Employee Immunity Rule	286
3603–3609	Reserved for Future Use	287
3610	Aiding and Abetting Tort—Essential Factual Elements	288
3611–3699	Reserved for Future Use	291

VICARIOUS RESPONSIBILITY

3700	Introduction to Vicarious Responsibility	294
3701	Tort Liability Asserted Against Principal—Essential Factual Elements	297
3702	Affirmative Defense—Comparative Fault of Plaintiff’s Agent . . .	301
3703	Legal Relationship Not Disputed	303
3704	Existence of “Employee” Status Disputed	305
3705	Existence of “Agency” Relationship Disputed	311
3706	Special Employment—Lending Employer Denies Responsibility for Worker’s Acts	314
3707	Special Employment—Joint Responsibility	319
3708	Peculiar-Risk Doctrine	321
3709	Ostensible Agent	325
3710	Ratification	328
3711	Partnerships	331
3712	Joint Ventures	333
3713	Nondelegable Duty	336
3714	Ostensible Agency—Physician-Hospital Relationship—Essential Factual Elements	339
3715–3719	Reserved for Future Use	341
3720	Scope of Employment	342
3721	Scope of Employment—Peace Officer’s Misuse of Authority	345
3722	Scope of Employment—Unauthorized Acts	347
3723	Substantial Deviation	350
3724	Social or Recreational Activities	354
3725	Going-and-Coming Rule—Vehicle-Use Exception	356
3726	Going-and-Coming Rule—Business-Errand Exception	362
3727	Going-and-Coming Rule—Compensated Travel Time Exception .	366
3728–3799	Reserved for Future Use	367
VF-3700	Negligence—Vicarious Liability	368
VF-3701–VF-3799	Reserved for Future Use	370

EQUITABLE INDEMNITY

3800	Comparative Fault Between and Among Tortfeasors	372
------	---	-----

TABLE OF INSTRUCTIONS

Inst. No.	Page
3801	Implied Contractual Indemnity375
3802–3899	Reserved for Future Use.....377
DAMAGES	
3900	Introduction to Tort Damages—Liability Contested382
3901	Introduction to Tort Damages—Liability Established385
3902	Economic and Noneconomic Damages.....387
3903	Items of Economic Damage.....389
3903A	Medical Expenses—Past and Future (Economic Damage).....390
3903B	Medical Monitoring—Toxic Exposure (Economic Damage).....395
3903C	Past and Future Lost Earnings (Economic Damage).....398
3903D	Lost Earning Capacity (Economic Damage)400
3903E	Loss of Ability to Provide Household Services (Economic Damage)403
3903F	Damage to Real Property (Economic Damage)405
3903G	Loss of Use of Real Property (Economic Damage)409
3903H	Damage to Annual Crop (Economic Damage)412
3903I	Damage to Perennial Crop (Economic Damage)414
3903J	Damage to Personal Property (Economic Damage)417
3903K	Loss or Destruction of Personal Property (Economic Damage) ...421
3903L	Damage to Personal Property Having Special Value (Civ. Code, § 3355) (Economic Damage).....423
3903M	Loss of Use of Personal Property (Economic Damage)425
3903N	Lost Profits (Economic Damage)427
3903O	Injury to Pet—Costs of Treatment (Economic Damage).....430
3903P	Damages From Employer for Wrongful Discharge (Economic Damage)432
3904A	Present Cash Value.....435
3904B	Use of Present-Value Tables.....438
3905	Items of Noneconomic Damage446
3905A	Physical Pain, Mental Suffering, and Emotional Distress (Noneconomic Damage)448
3906	Lost Earnings and Lost Earning Capacity—Jurors Not to Reduce Damages on Basis of Race, Ethnicity, or Gender (Economic Damage)453
3907–3918	Reserved for Future Use.....453
3919	Survival Damages (Code Civ. Proc, § 377.34).....454
3920	Loss of Consortium (Noneconomic Damage).....457
3921	Wrongful Death (Death of an Adult)461
3922	Wrongful Death (Parents’ Recovery for Death of a Minor Child).....467
3923	Public Entities—Collateral Source Payments (Gov. Code, § 985).....472
3924	No Punitive Damages474
3925	Arguments of Counsel Not Evidence of Damages.....476
3926	Settlement Deduction478

CALIFORNIA JURY INSTRUCTIONS

Inst. No.		Page
3927	Aggravation of Preexisting Condition or Disability	480
3928	Unusually Susceptible Plaintiff	482
3929	Subsequent Medical Treatment or Aid	484
3930	Mitigation of Damages (Personal Injury)	486
3931	Mitigation of Damages (Property Damage)	489
3932	Life Expectancy	492
3933	Damages From Multiple Defendants	494
3934	Damages on Multiple Legal Theories	496
3935	Prejudgment Interest (Civ. Code, § 3288)	499
3936–3939	Reserved for Future Use	501
3940	Punitive Damages—Individual Defendant—Trial Not Bifurcated	502
3941	Punitive Damages—Individual Defendant—Bifurcated Trial (First Phase)	510
3942	Punitive Damages—Individual Defendant—Bifurcated Trial (Second Phase)	513
3943	Punitive Damages Against Employer or Principal for Conduct of a Specific Agent or Employee—Trial Not Bifurcated	521
3944	Punitive Damages Against Employer or Principal for Conduct of a Specific Agent or Employee—Bifurcated Trial (First Phase)	531
3945	Punitive Damages—Entity Defendant—Trial Not Bifurcated	536
3946	Punitive Damages—Entity Defendant—Bifurcated Trial (First Phase)	545
3947	Punitive Damages—Individual and Entity Defendants—Trial Not Bifurcated	550
3948	Punitive Damages—Individual and Corporate Defendants (Corporate Liability Based on Acts of Named Individual)— Bifurcated Trial (First Phase)	560
3949	Punitive Damages—Individual and Corporate Defendants (Corporate Liability Based on Acts of Named Individual)— Bifurcated Trial (Second Phase)	565
3950–3959	Reserved for Future Use	572
3960	Comparative Fault of Plaintiff—General Verdict	573
3961	Duty to Mitigate Damages for Past Lost Earnings	575
3962	Duty to Mitigate Damages for Future Lost Earnings	577
3963	Affirmative Defense—Employee’s Duty to Mitigate Damages	579
3964	Jurors Not to Consider Attorney Fees and Court Costs	582
3965	No Deduction for Workers’ Compensation Benefits Paid	583
3966–3999	Reserved for Future Use	584
VF-3900	Punitive Damages	585
VF-3901	Punitive Damages Against Employer or Principal for Conduct of a Specific Agent or Employee	587
VF-3902	Punitive Damages—Entity Defendant	589
VF-3903	Punitive Damages—Entity Defendant—Ratification	591
VF-3904	Punitive Damages—Entity Defendant—Authorization	593
VF-3905	Damages for Wrongful Death (Death of an Adult)	595
VF-3906	Damages for Wrongful Death (Parents’ Recovery for Death of a Minor Child)	597

TABLE OF INSTRUCTIONS

Inst. No.		Page
VF-3907	Damages for Loss of Consortium (Noneconomic Damage)	599
VF-3908-VF-3919	Reserved for Future Use.....	599
VF-3920	Damages on Multiple Legal Theories	600
VF-3921–VF-3999	Reserved for Future Use	602
Table A	Life Expectancy Table—Male.....	603
Table B	Life Expectancy Table—Female	605

LANTERMAN-PETRIS-SHORT ACT

4000	Conservatorship—Essential Factual Elements.....	608
4001	Reserved for Future Use.....	610
4002	“Gravely Disabled” Explained	611
4003	“Gravely Disabled” Minor Explained (Revoked).....	615
4004	Issues Not to Be Considered—Type of Treatment, Care, or Supervision	616
4005	Obligation to Prove—Reasonable Doubt	617
4006	Sufficiency of Indirect Circumstantial Evidence	619
4007	Third Party Assistance.....	621
4008	Third Party Assistance to Minor.....	623
4009	Physical Restraint.....	625
4010	Limiting Instruction—Expert Testimony (Revoked)	626
4011	History of Disorder Relevant to the Determination of Grave Disability	627
4012	Concluding Instruction.....	628
4013	Disqualification From Voting.....	630
4014–4099	Reserved for Future Use.....	631
VF-4000	Conservatorship—Verdict Form.....	632
VF-4001–VF-4099	Reserved for Future Use	633

BREACH OF FIDUCIARY DUTY

4100	“Fiduciary Duty” Explained	636
4101	Failure to Use Reasonable Care—Essential Factual Elements.....	638
4102	Duty of Undivided Loyalty—Essential Factual Elements.....	641
4103	Duty of Confidentiality—Essential Factual Elements.....	645
4104	Duties of Escrow Holder	647
4105	Duties of Stockbroker—Speculative Securities	648
4106	Breach of Fiduciary Duty by Attorney—Essential Factual Elements	650
4107	Duty of Disclosure by Real Estate Broker to Client	652
4108	Failure of Seller’s Real Estate Broker to Conduct Reasonable Inspection—Essential Factual Elements (Civ. Code, § 2079).....	655
4109	Duty of Disclosure by Seller’s Real Estate Broker to Buyer	658
4110	Breach of Duty by Real Estate Seller’s Agent—Inaccurate Information in Multiple Listing Service—Essential Factual Elements (Civ. Code, § 1088).....	661
4111	Constructive Fraud (Civ. Code, § 1573)	663

CALIFORNIA JURY INSTRUCTIONS

Inst. No.		Page
4112–4119	Reserved for Future Use	665
4120	Affirmative Defense—Statute of Limitations	666
4121–4199	Reserved for Future Use	668

UNIFORM VOIDABLE TRANSACTIONS ACT

4200	Actual Intent to Hinder, Delay, or Defraud a Creditor—Essential Factual Elements (Civ. Code, § 3439.04(a)(1))	670
4201	Factors to Consider in Determining Actual Intent to Hinder, Delay, or Defraud (Civ. Code, § 3439.04(b))	674
4202	Constructive Fraudulent Transfer—No Reasonably Equivalent Value Received—Essential Factual Elements (Civ. Code, § 3439.04(a)(2))	676
4203	Constructive Fraudulent Transfer—Insolvency—Essential Factual Elements (Civ. Code, § 3439.05)	679
4204	“Transfer” Explained	681
4205	“Insolvency” Explained	683
4206	Presumption of Insolvency	685
4207	Affirmative Defense—Good Faith (Civ. Code, § 3439.08(a), (f)(1))	687
4208	Affirmative Defense—Statute of Limitations—Actual and Constructive Fraud (Civ. Code, § 3439.09(a), (b))	690
4209–4299	Reserved for Future Use	691
VF-4200	Actual Intent to Hinder, Delay, or Defraud Creditor—Affirmative Defense—Good Faith	692
VF-4201	Constructive Fraudulent Transfer—No Reasonably Equivalent Value Received	695
VF-4202	Constructive Fraudulent Transfer—Insolvency	698
VF-4203–VF-4299	Reserved for Future Use	700

UNLAWFUL DETAINER

4300	Introductory Instruction	703
4301	Expiration of Fixed-Term Tenancy—Essential Factual Elements	705
4302	Termination for Failure to Pay Rent—Essential Factual Elements	707
4303	Sufficiency and Service of Notice of Termination for Failure to Pay Rent	710
4304	Termination for Violation of Terms of Lease/Agreement—Essential Factual Elements	716
4305	Sufficiency and Service of Notice of Termination for Violation of Terms of Agreement	721
4306	Termination of Month-to-Month Tenancy—Essential Factual Elements	726
4307	Sufficiency and Service of Notice of Termination of Month-to-Month Tenancy	729
4308	Termination for Nuisance or Unlawful Use—Essential Factual Elements (Code Civ. Proc., § 1161(4))	733

TABLE OF INSTRUCTIONS

Inst. No.	Page
4309	Sufficiency and Service of Notice of Termination for Nuisance or Unlawful Use.....737
4310–4319	Reserved for Future Use.....741
4320	Affirmative Defense—Implied Warranty of Habitability742
4321	Affirmative Defense—Retaliatory Eviction—Tenant’s Complaint (Civ. Code, § 1942.5)747
4322	Affirmative Defense—Retaliatory Eviction—Engaging in Legally Protected Activity (Civ. Code, § 1942.5(d))751
4323	Affirmative Defense—Discriminatory Eviction (Unruh Act)754
4324	Affirmative Defense—Waiver by Acceptance of Rent756
4325	Affirmative Defense—Failure to Comply With Rent Control Ordinance/Tenant Protection Act.....759
4326	Affirmative Defense—Repair and Deduct.....761
4327	Affirmative Defense—Landlord’s Refusal of Rent.....764
4328	Affirmative Defense—Victim of Abuse or Violence (Code Civ. Proc., § 1161.3)766
4329	Affirmative Defense—Failure to Provide Reasonable Accommodation769
4330	Denial of Requested Accommodation771
4331–4339	Reserved for Future Use.....771
4340	Damages for Reasonable Rental Value.....772
4341	Statutory Damages on Showing of Malice (Code Civ. Proc., § 1174(b)).....774
4342	Reduced Rent for Breach of Habitability776
4343–4399	Reserved for Future Use.....777
VF-4300	Termination Due to Failure to Pay Rent.....778
VF-4301	Termination Due to Failure to Pay Rent—Affirmative Defense—Breach of Implied Warranty of Habitability781
VF-4302	Termination Due to Violation of Terms of Lease/Agreement.....785

TRADE SECRETS

4400	Misappropriation of Trade Secrets—Introduction.....788
4401	Misappropriation of Trade Secrets—Essential Factual Elements.....791
4402	“Trade Secret” Defined794
4403	Secrecy Requirement.....797
4404	Reasonable Efforts to Protect Secrecy.....799
4405	Misappropriation by Acquisition801
4406	Misappropriation by Disclosure.....803
4407	Misappropriation by Use806
4408	Improper Means of Acquiring Trade Secret.....810
4409	Remedies for Misappropriation of Trade Secret.....812
4410	Unjust Enrichment.....815
4411	Punitive Damages for Willful and Malicious Misappropriation ..817
4412	“Independent Economic Value” Explained820
4413–4419	Reserved for Future Use.....822

CALIFORNIA JURY INSTRUCTIONS

Inst. No.		Page
4420	Affirmative Defense—Information Was Readily Ascertainable by Proper Means	823
4421	Affirmative Defense—Statute of Limitations—Three-Year Limit (Civ. Code, § 3426.6)	826
4422–4499	Reserved for Future Use.....	828
VF-4400	Misappropriation of Trade Secrets.....	829

CONSTRUCTION LAW

4500	Breach of Implied Warranty of Correctness of Plans and Specifications—Essential Factual Elements	835
4501	Owner’s Liability for Failing to Disclose Important Information Regarding a Construction Project—Essential Factual Elements.....	839
4502	Breach of Implied Covenant to Provide Necessary Items Within Owner’s Control—Essential Factual Elements	843
4503–4509	Reserved for Future Use.....	845
4510	Breach of Implied Covenant to Perform Work in a Good and Competent Manner—Essential Factual Elements	846
4511	Affirmative Defense—Contractor Followed Plans and Specifications	849
4512–4519	Reserved for Future Use.....	850
4520	Contractor’s Claim for Changed or Extra Work.....	851
4521	Owner’s Claim That Contract Procedures Regarding Change Orders Were Not Followed.....	854
4522	Waiver of Written Approval or Notice Requirements for Changed or Additional Work.....	856
4523	Contractor’s Claim for Additional Compensation—Abandonment of Contract.....	860
4524	Contractor’s Claim for Compensation Due Under Contract—Substantial Performance.....	862
4525–4529	Reserved for Future Use.....	864
4530	Owner’s Damages for Breach of Construction Contract—Work Does Not Conform to Contract.....	865
4531	Owner’s Damages for Breach of Construction Contract—Failure to Complete Work.....	868
4532	Owner’s Damages for Breach of Construction Contract—Liquidated Damages Under Contract for Delay.....	870
4533–4539	Reserved for Future Use.....	873
4540	Contractor’s Damages for Breach of Construction Contract—Change Orders/Extra Work.....	874
4541	Contractor’s Damages for Breach of Construction Contract—Change Orders/Extra Work—Total Cost Recovery	876
4542	Contractor’s Damages for Abandoned Construction Contract—Quantum Meruit Recovery.....	879
4543	Contractor’s Damages for Breach of Construction Contract—Owner-Caused Delay or Acceleration.....	881
4544	Contractor’s Damages for Breach of Construction Contract—Inefficiency Because of Owner Conduct	884

TABLE OF INSTRUCTIONS

Inst. No.	Page
4545–4549	Reserved for Future Use.....886
4550	Affirmative Defense—Statute of Limitations—Patent Construction Defect (Code Civ. Proc., § 337.1).....887
4551	Affirmative Defense—Statute of Limitations—Latent Construction Defect (Code Civ. Proc., § 337.15)889
4552	Affirmative Defense—Work Completed and Accepted—Patent Defect892
4560	Recovery of Payments to Unlicensed Contractor—Essential Factual Elements (Bus. & Prof. Code, § 7031(b))894
4561	Damages—All Payments Made to Unlicensed Contractor898
4562	Payment for Construction Services Rendered—Essential Factual Elements (Bus. & Prof. Code, § 7031(a), (e))900
4570	Right to Repair Act—Construction Defects—Essential Factual Elements (Civ. Code, § 896).....902
4571	Right to Repair Act—Damages (Civ. Code, § 944).....904
4572	Right to Repair Act—Affirmative Defense—Act of Nature (Civ. Code, § 945.5(a))906
4573	Right to Repair Act—Affirmative Defense—Unreasonable Failure to Minimize or Prevent Damage (Civ. Code, § 945.5(b))907
4574	Right to Repair Act—Affirmative Defense—Plaintiff’s Subsequent Acts or Omissions (Civ. Code, § 945.5(d))909
4575	Right to Repair Act—Affirmative Defense—Failure to Follow Recommendations or to Maintain (Civ. Code, § 945.5(c))910
VF-4500	Owner’s Failure to Disclose Important Information Regarding Construction Project.....912
VF-4510	Breach of Implied Covenant to Perform Work in a Good and Competent Manner—Affirmative Defense—Contractor Followed Plans and Specifications915
VF-4520	Contractor’s Claim for Changed or Extra Work—Owner’s Response That Contract Procedures Not Followed—Contractor’s Claim of Waiver.....918

WHISTLEBLOWER PROTECTION

4600	False Claims Act: Whistleblower Protection—Essential Factual Elements (Gov. Code, § 12653)922
4601	Protected Disclosure by State Employee—California Whistleblower Protection Act—Essential Factual Elements (Gov. Code, § 8547.8(c)).....926
4602	Affirmative Defense—Same Decision (Gov. Code, § 8547.8(e))...929
4603	Whistleblower Protection—Essential Factual Elements (Lab. Code, § 1102.5)931
4604	Affirmative Defense—Same Decision (Lab. Code, § 1102.6)937
4605	Whistleblower Protection—Health or Safety Complaint—Essential Factual Elements (Lab. Code, § 6310).....939
4606	Whistleblower Protection—Unsafe Patient Care and Conditions—Essential Factual Elements (Health & Saf. Code, § 1278.5) (Revoked)943

CALIFORNIA JURY INSTRUCTIONS

Inst. No.		Page
VF-4600	False Claims Act: Whistleblower Protection (Gov. Code, § 12653)	944
VF-4601	Protected Disclosure by State Employee—California Whistleblower Protection Act—Affirmative Defense—Same Decision (Gov. Code, § 8547.8(c)).....	947
VF-4602	Whistleblower Protection—Affirmative Defense of Same Decision (Lab. Code, §§ 1102.5, 1102.6)	951

CONSUMERS LEGAL REMEDIES ACT

4700	Consumers Legal Remedies Act—Essential Factual Elements (Civ. Code, § 1770)	958
4701	Consumers Legal Remedies Act—Notice Requirement for Damages (Civ. Code, § 1782)	963
4702	Consumers Legal Remedies Act—Statutory Damages—Senior or Person With a Disability (Civ. Code, § 1780(b)).....	965
4703–4709	Reserved for Future Use.....	966
4710	Consumers Legal Remedies Act—Affirmative Defense—Bona Fide Error and Correction (Civ. Code, § 1784).....	967
4711–4799	Reserved for Future Use.....	968

CALIFORNIA FALSE CLAIMS ACT

4800	False Claims Act—Essential Factual Elements (Gov. Code, § 12651)	970
4801	Implied Certification of Compliance With All Contractual Provisions—Essential Factual Elements.....	973
4802–4899	Reserved for Future Use.....	975

REAL PROPERTY LAW

4900	Adverse Possession	978
4901	Prescriptive Easement	981
4902	Interference With Secondary Easement.....	984
4910	Violation of Homeowner Bill of Rights—Essential Factual Elements (Civ. Code, § 2924.12(b)).....	986
4911–4919	Reserved for Future Use.....	988
4920	Wrongful Foreclosure—Essential Factual Elements.....	989
4921	Wrongful Foreclosure—Tender Excused.....	993
4922–4999	Reserved for Future Use.....	994

CONCLUDING INSTRUCTIONS

5000	Duties of the Judge and Jury	996
5001	Insurance.....	1000
5002	Evidence.....	1002
5003	Witnesses.....	1005

TABLE OF INSTRUCTIONS

Inst. No.	Page
5004	Service Provider for Juror With Disability1008
5005	Multiple Parties1010
5006	Nonperson Party1012
5007	Removal of Claims or Parties and Remaining Claims and Parties1014
5008	Duty to Abide by Translation Provided in Court1015
5009	Predeliberation Instructions1017
5010	Taking Notes During the Trial1021
5011	Reading Back of Trial Testimony in Jury Room1023
5012	Introduction to Special Verdict Form1025
5013	Deadlocked Jury Admonition1028
5014	Substitution of Alternate Juror1030
5015	Instruction to Alternate Jurors on Submission of Case to Jury.1032
5016	Judge’s Commenting on Evidence1033
5017	Polling the Jury1035
5018	Audio or Video Recording and Transcription1037
5019	Questions From Jurors1039
5020	Demonstrative Evidence.....1041
5021	Electronic Evidence1042
5022	Introduction to General Verdict Form1043
5023–5029	Reserved for Future Use1045
5030	Implicit or Unconscious Bias1046
5031–5089	Reserved for Future Use1047
5090	Final Instruction on Discharge of Jury1048
5091–5099	Reserved for Future Use1049
VF-5000	General Verdict Form—Single Plaintiff—Single Defendant—Single Cause of Action1050
VF-5001	General Verdict Form—Single Plaintiff—Single Defendant— Multiple Causes of Action1051
VF-5002–VF-5099	Reserved for Future Use.....1052
Disposition Table1053	

Volume 4

Table of Laws and Rules	Tbl of L&R-1
Table of Cases	Tbl of Cases-1
Key Number Table	Key Num Tbl-1
Index	Index-1