TABLE OF INSTRUCTIONS

Volume 1

Inst. No.	PART 1 GENERAL INSTRUCTIONS
iiist. No.	
BAJI 0.50	Pre-Trial Admonition
	A. INTRODUCTORY INSTRUCTIONS
BAJI 1.00	Respective Duties of Judge and Jury
BAJI 1.00.	1 Manner of Recording Instruction of No Significance—Content Only Governs
BAJI 1.00.	5 Juror Forbidden to Make Any Independent Investigation
BAJI 1.01	Instructions to Be Considered as a Whole
BAJI 1.02	Statements of Counsel—Stipulation to a Fact—Evidence Stricken Out—Insinuations of Questions
BAJI 1.03	Entity Not to Be Prejudiced as Such
BAJI 1.04	Concerning Insurance and Insurance Companies
	B. INSTRUCTION TERMINOLOGY
BAJI 1.10	Pronoun Form Includes Corporation, Public Entity, or Business Association
	C. PARTY DESIGNATIONS IN PLEADINGS
BAJI 1.20	"Plaintiff" and "Defendant" Applies to Each Similarly Designated
BAJI 1.21	Cross-Complaint—Designation of Parties
BAJI 1.22	Consolidated Actions—Designation of Parties
BAJI 1.23	Identification of Parties and Claims
BAJI 1.24	Jury Not to Speculate as to Removal of Claims or Parties
BAJI 1.25	Sign Language or CART Interpreter in Jury Room
	D. DEFINITIONS
BAJI 1.30	Intentional—Defined
	PART 2 EVIDENCE AND GUIDES FOR ITS CONSIDERATION
	A. GENERAL RULES
BAJI 2.00	Direct and Circumstantial Evidence—Inferences
BAJI 2.01	Weighing Conflicting Testimony
BAJI 2.02	Failure to Produce Available Stronger Evidence
BAJI 2.03	Willful Acts to Preclude Use of Evidence
BAJI 2.04	Failure to Deny or Explain Adverse Evidence
BAJI 2.05	Limited Admission of Evidence—Parties or Purpose
BAJI 2.06	Deposition Testimony
BAJI 2.07	Interrogatories
1	

xiii

	CALIFORNIA JURY INSTRUCTIONS—CIVIL
Inst. No.	
BAJI 2.08	Requests for Admissions
BAJI 2.09	Stipulated Testimony
	B. EVALUATION OF EVIDENCE
BAJI 2.20	Believability of Witness
BAJI 2.21	Discrepancies in Testimony
BAJI 2.22	Witness Wilfully False
BAJI 2.24 BAJI 2.25	Believability of Witness—Conviction of a Felony Extrajudicial Admissions—Cautionary Instruction
BAJI 2.26	Admissions Implied From Silence or Evasion
BAJI 2.27	No Unfavorable Inference From Exercise of a Privilege
BAJI 2.28	Limited Purpose of Evidence of Settlement With Witness
	C. EXPERT TESTIMONY
BAJI 2.40	Expert Testimony—Qualifications of Expert
BAJI 2.41 BAJI 2.42	Weighing Conflicting Expert Testimony Hypothetical Questions
BAJI 2.42	Statements Made by Patient to Physician
D1101 2.10	Statements Flade by Lavient to Thypician
	D. BURDEN OF PROOF AND PREPONDERANCE OF EVIDENCE
BAJI 2.60	Burden of Proof and Preponderance of Evidence
BAJI 2.61	Admitted Liability
BAJI 2.62	Burden of Proof and Clear and Convincing Evidence
PA	RT 3 NEGLIGENCE—CONTRIBUTORY NEGLIGENCE—CAUSATION
BAJI 3.00	A. LIABILITY FOR NEGLIGENCE Negligence—Essential Elements
DA01 0.00	regigence—Essential Elements
	B. NEGLIGENCE—STANDARD OF CARE
	(a) Negligence and Ordinary Care
BAJI 3.10	Negligence and Ordinary Care—Definitions
BAJI 3.11	A Test for Determining the Question of Negligence
BAJI 3.12	Amount of Caution Varies
BAJI 3.13	Right to Assume Others' Good Conduct
BAJI 3.13.1 BAJI 3.14	Duty to Anticipate Criminal Conduct of Third Person Right to Assume Others' Normal Faculties
BAJI 3.14	Evidence of Custom in Relation to Ordinary Care
2101 0.10	Evidence of Subtom in Iteration to Standary Sure
L	(b) Care Required by Minors and Persons Under Disability
BAJI 3.35	Standard of Conduct for Minor
BAJI 3.36	Impaired Physical Faculties—Amount of Caution
	(c) Care Required for Minors
BAJI 3.38	Care Required for Safety of Minor
	(d) Care Required in Special Situations
BAJI 3.40	When Person Must Work in Dangerous Situation
	xiv

	TABLE OF INSTRUCTIONS
Inst. No.	
BAJI 3.41	Specific Application of Duty in Dangerous Activity
BAJI 3.42	Duty in Handling Electricity
BAJI 3.43	Care Required by Law Enforcement Officers in Using Deadly Force-Prior Tactical Conduct and Decisions
	(e) Violation of Statute, etc.—Negligence Per Se
BAJI 3.45	Negligence Per Se—Violation of Statute, Ordinance, or Safety Order
	C. CONTRIBUTORY NEGLIGENCE
	(a) Generally
BAJI 3.50	Contributory Negligence—Definition
BAJI 3.51	Contributory Negligence—Forgetfulness of Known Danger
BAJI 3.52	Recovery for Intentional Harm Not Diminished by Contributory Negligence
BAJI 3.53	Contributory Negligence of Decedent
	(b) Infants
BAJI 3.60	Contributory Negligence—Suit Only for Injury to Minor Five Years or Older
BAJI 3.61	Contributory Negligence—Suit Only for Injury to Minor Under Five Years of Age
BAJI 3.62	Contributory Negligence—Suit for Injury to Minor Five Years or Older and Parents' Special Damages
BAJI 3.63	Contributory Negligence—Suit for Injury to Minor Under Five Years of Age and for Parents' Special Damages
	(c) Driver—Passenger
BAJI 3.72	Duty of Passenger for Own Safety
	D. CAUSATION
BAJI 3.76	Cause—Substantial Factor Test
BAJI 3.77	Concurring Causes
BAJI 3.78	Asbestos Causation
BAJI 3.79	When Third Party's Intervening Negligence Is Not a Superseding Cause
BAJI 3.80	When Precise Cause Cannot Be Identified
	E. NEGLIGENT TRANSMISSION OF COMMUNICABLE DISEASE
BAJI 3.90	Negligent Transmission Of Hiv/Other Sexually Transmitted Disease
	F. NEGLIGENT HIRING, SUPERVISION OR RETENTION
BAJI 3.92	Negligent Hiring
BAJI 3.93	Negligent Supervision
BAJI 3.94	Negligent Retention
	G. NEGLIGENT UNDERTAKING
BAJI 3.95	Negligent Undertaking
	PART 4 TORT LAW—SPECIAL DOCTRINES
	A. RES IPSA LOQUITUR
BAJI 4.00	Res Ipsa Loquitur—Necessary Conditions for Application

	CALIFORNIA JURY INSTRUCTIONS—CIVIL		
Inst. No. BAJI 4.01	Res Ipsa Loquitur—Necessary Conditions for Application—Injury or Accident Denied		
BAJI 4.02	Res Ipsa Loquitur—Permissible Inference of Negligence		
BAJI 4.03	Res Ipsa Loquitur—Presumption of Negligence		
	B. ASSUMPTION OF RISK		
BAJI 4.30	Express Assumption of Risk		
DA II 4 40	C. IMMINENT PERIL		
BAJI 4.40	Duty of One in Imminent Peril		
	D. CAUSING PERILOUS SITUATION		
BAJI 4.41	Responsibility of One Causing the Perilous Situation		
	E. "GOOD SAMARITAN" RULE		
BAJI 4.45	Voluntary Undertaking—"Good Samaritan" Rule		
BAJI 4.45.5	Voluntary Undertaking—Scene of Emergency		
BAJI 4.45.6	Voluntary Undertaking—Scene of Emergency—Exceptions to Immunity		
	F. SALE OF ALCOHOLIC BEVERAGE		
BAJI 4.50	Selling Liquor to an Obviously Intoxicated Minor—Essential Elements		
D 4 TT 4 00	G. RESCUE DOCTRINE		
BAJI 4.60	The Rescue Doctrine—Liability to Rescuer		
BAJI 4.61 BAJI 4.62	Exceptions to Fireman's Rule—Willful or Negligent Acts Causing Injury—Essential Elements Exception to Fireman's Rule—Independent Cause		
D131 1.02			
	H. ACTIVE SPORTING EVENTS		
BAJI 4.70	Liability to Co-Participant—Essential Elements		
BAJI 4.71	Liability of Provider of Sporting Facility—Contributory Fault		
	I. MISCELLANEOUS DOCTRINES		
BAJI 4.90	Completed and Accepted Doctrine—Exception to General Rule of Non-liability		
BAJI 4.91	Gross Negligence Defined		
	PART 5 MOTOR VEHICLES		
	A. GENERAL PRINCIPLES		
BAJI 5.00	Duty of the Driver of Vehicle on Public Highway		
	B. RIGHT OF WAY		
BAJI 5.10	Right-of-Way Defined		
BAJI 5.11	Right of Way May Be Waived		
BAJI 5.12	Through Highway Intersection—Vehicle Having Right of Way as a Hazard		
BAJI 5.13	Yield Right of Way Intersection—Vehicle Having Right of Way as a Hazard		
	C. TURNING VEHICLE		
BAJI 5.20	Turning a Vehicle		
BAJI 5.21	Left Turn—Vehicle Having Right of Way as a Hazard		
	xvi		

	TABLE OF INSTRUCTIONS		
Inst. N	lo.		
BAJI	5.22	Entering Highway—Vehicle Having Right of Way as a Hazard	
		D. SPEED	
BAJI	5.30	Basic Speed Law	
BAJI		The Prima Facie Speed Limits	
BAJI	5.32	The Maximum Speed Limit	
		E. INTOXICATION	
BAJI	5.40	Influence of Alcoholic Beverage or Drug—Driver	
BAJI		Influence of Alcoholic Beverage—Circumstances to Consider	
BAJI		Influence of Alcoholic Beverage—Non-Driver	
		F. MOTORIST—PEDESTRIAN	
BAJI	5 50	Duty of Motorists and Pedestrians Using Public Highway	
BAJI		Amount of Caution Required in Ordinary Care—Driver and Pedestrian	
1	5.52.1	Pedestrian Crossing at Crosswalk	
1	5.52.2	Pedestrian on Roadway Outside Crosswalk	
BAJI		Definition—Immediate Hazard to Pedestrian—Unmarked Crosswalk	
BAJI	5.54	Pedestrian—Change of Signal After Crossing Begun	
BAJI	5.55	Roadway—Definition of	
		G. EMERGENCY VEHICLES	
BAJI	5.80	Authorized Emergency Vehicle Exemption	
BAJI		Test of an Emergency	
BAJI		Licensed Physician Answering Emergency Call	
BAJI	5.83	Exemption of Rubbish or Garbage Truck	
BAJI	5.90	Seat Belt Defense	
BAJI	5.91	Passenger In Truck Sleeping Berth—Seat Belt Available	
		PART 6 OTHER NEGLIGENCE ACTIONS	
	A.	INTRODUCTORY INSTRUCTIONS—PROFESSIONAL NEGLIGENCE	
BAJI	6.00	Professional Negligence—Introductory—Essential Elements	
		B. MEDICAL NEGLIGENCE	
		(a) Duties and Liabilities of Physicians and Surgeons	
BAJI	6.00.1	Duty of Physician	
BAJI	6.00.1.	1 Liability of Physician to Third Person for Failure to Warn Patient of Danger Posed by Patient's Physical or Emotional Condition	
BAJI	6.00.2	Duty of Psychotherapist to Warn Third Persons of Threatened Violent Behavior by Patient	
BAJI		Duty of Specialist	
BAJI		Medical Perfection Not Required	
BAJI		Alternative Methods of Diagnosis or Treatment	
BAJI		Duty to Refer to Specialist	
BAJI		Duration of Physician's Responsibility	
BAJI	6.06	Liability of Surgeon for Negligence of Assistants and Nurses	
1		xvii	

CALIFORNIA JURY INSTRUCTIONS—CIVIL		
	CALIFORNIA SCILI INSTITUCTIONS—CIVIL	
Inst. No.		
BAJI 6.08	Wrongful Life/Birth	
	(L) Comment	
D 4 II 6 10	(b) Consent	
BAJI 6.10	When Consent to Operation or Treatment Is Necessary	
BAJI 6.10.5	ı v	
BAJI 6.11	Reality of Consent—Physician's Duty of Disclosure	
BAJI 6.11.5		
BAJI 6.12	Who Was Authorized to Consent for Patient	
BAJI 6.13	When Consent to an Operation Is Not Necessary	
BAJI 6.14	Emergency Treatment or Operation	
BAJI 6.15	Emergency Defined	
BAJI 6.16	Failure to Inform—Emergency Situation	
	(c) Duties and Liabilities of Hospital	
BAJI 6.20	Duty of a Hospital	
BAJI 6.21	Liability of Hospital for Negligence of Physician or Nurse	
	(d) Duty of Nurse	
DAILCOF		
BAJI 6.25	Duty of a Nurse	
	(e) Duty of Patient	
BAJI 6.28	Patient's Duty to Follow Instructions	
51101 0.20		
	(f) Determination of Standard of Care	
BAJI 6.30	Medical Negligence—Standard of Care Determined by Expert Testimony	
BAJI 6.35	Medical Negligence—Conditional Res Ipsa Loquitur	
BAJI 6.36	Medical Negligence—Necessity of Causal Relation Between Treatment and Injury—Res Ipsa	
D1101 0.00	Loquitur	
	C. PROFESSIONAL NEGLIGENCE OTHER THAN MEDICAL	
BAJI 6.37	Duty of a Professional	
BAJI 6.37.1	·	
BAJI 6.37.2	• •	
<u> </u>	•	
BAJI 6.37.3	• •	
BAJI 6.37.4	v i	
BAJI 6.37.5	•	
BAJI 6.37.6	-	
BAJI 6.38	Duty of Licensed Real Estate Broker	
BAJI 6.38.1	Licensed Real Estate Broker's Violation of Civil Code § 2079	
D. RAILROAD CROSSINGS		
(a) Duty of Person Crossing		
BAJI 6.40	Duty of One Crossing Tracks	
BAJI 6.41	Obstructed View	
BAJI 6.42	When Duty to Stop	
BAJI 6.43	Mechanical Devices, Etc., Failure of	
27101 0.10	xviii	
1	AVIII	

TABLE OF INSTRUCTIONS		
Inst. No.		
ilist. No.	(b) Duty of Railroad	
BAJI 6.45	Duty of Railroad Company at Crossings	
BAJI 6.46	Speed—Private Right of Way	
BAJI 6.47	Speed—Public Highway Crossings	
BAJI 6.48	Ordinance or Regulation Fixes Minimum Care Required of Railroad	
	E. COMMON CARRIERS	
BAJI 6.50	Defendant—A Common Carrier	
BAJI 6.51	Duty of Common Carrier	
BAJI 6.53	Safe Place to Board and Alight	
BAJI 6.54	Duty of Passenger of Common Carrier	
BAJI 6.54.5	·	
BAJI 6.55	When Relationship Begins and Ends—Passenger and Common Carrier	
	F. ULTRAHAZARDOUS ACTIVITIES	
BAJI 6.60	Ultrahazardous Activity	
D1101 0.00		
L	G. DANGEROUS ANIMALS	
BAJI 6.65	Naturally Dangerous Animal	
BAJI 6.66	Animal With Vicious Propensities	
BAJI 6.67	Dog Bite Statute	
	PART 7 INTENTIONAL TORTS	
	A. DEFAMATION—LIBEL/SLANDER	
BAJI 7.00	Defamation, Libel, Slander—Definition of	
BAJI 7.00.1		
BAJI 7.01	Libel/Slander—Effect on Average Reader/Listener	
BAJI 7.02	Publication	
BAJI 7.02.1	Multiple Publications	
BAJI 7.03	Libel/Slander—Publication to Plaintiff	
BAJI 7.04	Public Official/Figure—Public Matters—Essential Elements	
BAJI 7.04.1	e e	
BAJI 7.05	Conditional Privilege/Matter of Law/Abuse	
BAJI 7.05.1	8 ,	
BAJI 7.07	Libel/Slander—Truth as a Defense	
BAJI 7.08	Defamation—Invasion of Privacy—By Newspaper or Radio/Television Broadcaster	
BAJI 7.09	Defamation—Actionable Per Se	
BAJI 7.10	Libel/Slander—General or Compensatory Damages	
BAJI 7.10.1	8	
BAJI 7.11	Libel/Slander—Special Damages	
BAJI 7.12	Libel/Slander—Punitive Damages/Media Defendant (Trial Not Bifurcated)	
BAJI 7.12.1		
BAJI 7.12.2		
BAJI 7.15	Trade Libel	
B. RIGHT OF PRIVACY		
BAJI 7.20	Right of Privacy—Intrusion Into Private Affairs—Essential Elements	
	xix	

CALIFORNIA JURY INSTRUCTIONS—CIVIL				
Inst. No				
BAJI 7		Right of Privacy—Public Disclosure of Private Facts—Essential Elements		
BAJI 7		Right of Privacy—Placing Plaintiff in False Light—Essential Elements		
BAJI 7		Right of Privacy—Common Law, Appropriation of Name, Picture or Identity—Essential Elements		
BAJI 7	7.24	Appropriation of Right of Publicity for Commercial Purposes		
BAJI 7	7.24.1	Right of Publicity—First Amendment Defense		
BAJI 7	7.24.2	First Amendment Defense—A Helpful Test		
BAJI 7	7.25.1	Violation of State Constitutional Right of Privacy		
BAJI 7	7.25.2	Defense of Justification to State Constitutional Right of Privacy		
BAJI 7	7.26	Right of Privacy—Damages (Intrusion—Appropriation—Public Disclosure)		
BAJI 7	7.27	Invasion of Privacy by False Light—Damages		
BAJI 7	7.28	Civil Code § 3344—Damages		
BAJI 7	7.29	Physical Invasion of Privacy		
BAJI 7		Constructive Invasion of Privacy		
BAJI 7		Assault/False Imprisonment With Intent to Violate Privacy		
BAJI 7		Directing, Soliciting, etc., an Invasion of Privacy		
1	7.29.30	Intentional Distribution of Intimate Photographs, Etc., of Another		
BAJI 7		Defenses to Civil Code Section 1708.85, Subdivision (a) Action		
BAJI 7		Eavesdropping or Recording Confidential Communication		
BAJI 7		State Agency Violation of Information Practices Act (IPA)		
BAJI 7	7.29.56	Invasion of Privacy Resulting from a Violation of the Information Practices Act (IPA)		
С.		ICIOUS PROSECUTION OF CRIMINAL ACTION OR CIVIL PROCEEDING		
BAJI 7	7.30 N	Ialicious Prosecution—Essential Elements		
BAJI 7		'avorable Termination		
BAJI 7		Probable Cause for Criminal/Civil Prosecution		
BAJI 7		Malice" and "Malicious" Defined		
BAJI 7	7.36 P	Probable Cause for Prosecution—Advice of Counsel		
		D. ELDER ABUSE		
BAJI 7	7.40	Elder/Dependent Adult Abuse		
BAJI 7	7.41	Neglect—Defined		
BAJI 7	7.42	Physical Abuse—Defined		
BAJI 7	7.43	Financial Abuse—Defined		
BAJI 7	7.43.1	Financial Abuse—Elder/Dependent Adult—Lacks Capacity/of Unsound Mind		
BAJI 7	7.44	Care Custodian—Defined		
BAJI 7	7.45	Necessary Goods and Services—Defined		
BAJI 7	7.46	Additional Remedies		
BAJI 7	7.46.1	Financial Abuse—Additional Remedies		
BAJI 7	7.47	Elder Abuse-Additional Remedies—Definitions		
BAJI 7	7.48	Additional Remedies Against Principal for Acts of Agent		
E. BATTERY				
BAJI 7	7.50 B	Battery		
BAJI 7	7.51 C	Offensive Contact—Defined		
BAJI 7	7.52 B	Battery—Consent, Actual and Apparent		
		YY		

		TABLE OF INSTRUCTIONS
loot N	la.	
Inst. N BAJI		Use of Force by Police in Making an Arrest or a Detention—Excessive Force as Battery
BAJI		Self-Defense—Defense of Others
DAUI	1.00	ben-belense of others
		F. SEXUAL BATTERY
BAJI	7.56	Sexual Battery
BAJI	7.57	Consent Not a Defense
		G. STALKING
BAJI	7.58	Stalking
		II EALGE ADDECT OD DALGE IMPDICONMENTS
D 4 TT	F. 00	H. FALSE ARREST OR FALSE IMPRISONMENT
BAJI		False Imprisonment/Arrest—Essential Elements
BAJI		Arrest by Peace Officer Without Warrant
BAJI BAJI		Arrest by Private Person Right of Reasonable Detention by Property Owner
BAJI		Reasonable Cause for Arrest/Detention
DA91	7.00	Reasonable Cause for Arrest/Detention
		I. ABUSE OF PROCESS
BAJI	7.70	Abuse of Process—Essential Elements
BAJI	7.71	Abuse of Process—Defined
BAJI	7.73	Abuse of Process—Mere Ill Will Is Not Improper Motive
	J.	INTEDEEDENCE WITH CONTRACT DISTNESS OF INHEDITANCE
D A TT		INTERFERENCE WITH CONTRACT, BUSINESS, OR INHERITANCE
BAJI BAJI		Inducing Breach of Contract Interference With Contractual Relations
BAJI		Interference With Contractual Relations Intentional Interference With Prospective Economic Advantage
1	7.82.1	Negligent Interference With Prospective Economic Advantage
1	7.82.2	Intentional Interference With Expected Inheritance
BAJI		Inference of Intent
BAJI		Privilege of Competition
1	7.86.1	Wrongful [Means] [Conduct]—Defined
BAJI	7.87	Defense of Justification
BAJI	7.89	Damages
		TO CIVIL DICTION MAD AMION
D A II	7.00	K. CIVIL RIGHTS VIOLATION
BAJI BAJI		California Civil Rights Violation (Bane Act) Sexual Harassment
BAJI		Unruh Act Violation
1	7.92.1	Unruh Act—ADA Violation
1	7.92.1	ADA Disability Defined
1	7.92.2	Gender Violence
1	7.92.4	Sexual Orientation Violence
BAJI		Violent Civil Rights Violations
BAJI		Punitive Damages
1	7.94	California Disabled Persons Act Violation (DAP)
1	7.95.1	Violation of Construction-Related Standards Preventing Access to Places of Public
DANI	1.00.4	Accommodation

xxi

	CALIFORNIA JURY INSTRUCTIONS—CIVIL
Inst. No.	
BAJI 7.95.3	Interference with Ingress to or Egress from a Facility
	L. DOMESTIC VIOLENCE
BAJI 7.96	Tort of Domestic Violence
BAJI 7.97	Intentional Interference with Parental Consortium By Person without Right of Custody
BAJI 7.97.1	Intentional Interference with Parental Consortium by Person with Right of Custody
BAJI 7.97.2	Damages
BAJI 7.97.5	Defense or Rescue From Violence
	M. DEFENSES
BAJI 7.98	Mistake of Fact
	PART 8 OWNERS, OCCUPANTS OR LESSORS OF LAND
	A. OWNERS', OCCUPANTS' OR LESSORS' LIABILITY
	(a) To Persons Generally
BAJI 8.00	Negligence of Owner, Occupant or Lessor—Essential Elements
BAJI 8.01	Duty of Owner, Occupant or Lessor of Premises
BAJI 8.01.1	Recreational Use Immunity
BAJI 8.02	Unreasonable Risk of Harm—Defined
BAJI 8.03	Unreasonable Risk of Harm Defined—Landlord-Tenant
BAJI 8.05	Store Owner's Duty of Care—Essential Elements
BAJI 8.20 BAJI 8.20.1	Concerning Owner's, Occupant's or Lessor's Knowledge of Defective Condition Lessor of Commercial Property's Duty of Care
BAJI 8.20.1	Imputation of Knowledge of Condition to Owner, Occupant or Lessor
BAJI 8.22	Duty of Landlord to Protect Tenant From Criminal Acts of Third Persons
BAJI 8.23	Duty of Care of Proprietor of Business
BAJI 8.24	Store Owner's Duty of Care—Liability for Dangerous or Defective Condition—Actual and
	Constructive Notice—Inference of Constructive Notice
	(b) To Workmen
BAJI 8.30	Hirer's Retention of Control Over Work Site
BAJI 8.31	Liability to Employee of Independent Contractor—Concealed Hazardous Conditions
	B. SIDEWALK AND ABUTTING OWNER
BAJI 8.50	Duty of Owner of Property Adjacent to Sidewalk
BAJI 8.50.1	Liability of Owner of Property for Injuries on Adjacent Sidewalk Caused By Condition on
	Owner's Property
BAJI 8.51	Liability of Owner for Creating Hazard on Adjacent Sidewalk
BAJI 8.52	Pedestrian's Rights and Duties as to Sidewalks
BAJI 8.60	Private Nuisance—Essential Elements—Damages
	PART 9 PRODUCTS LIABILITY
	A. STRICT LIABILITY
	(a) Generally
BAJI 9.00	Products Liability—Introductory
	xxii

	TABLE OF INSTRUCTIONS		
Inst. No.			
BAJI 9.00.3	Manufacturing Defect—Essential Elements		
BAJI 9.00.5	Design Defect—Essential Elements		
BAJI 9.00.6	Products Liability—Strict Liability and Torts—Design Defect—When Manufacturer or Seller Is Exempt From Liability		
BAJI 9.00.7	Products Liability—Strict Liability for Failure to Warn—Essential Elements		
BAJI 9.01	Products Liability—Transition Instruction—Strict Liability in Tort		
BAJI 9.02	"Economic Loss" Rule—Component-to-Component Damage—"Other Property" Defined		
	(b) Comparative Fault		
BAJI 9.03	Products Liability—Negligence—Comparative Fault		
BAJI 9.04	Products Liability—Reduction of Damages Because of Comparative Fault—General Verdict Only		
BAJI 9.06	Sophisticated User Defense		
BAJI 9.07	Obvious Danger Defense		
BAJI 9.08	Sophisticated Intermediary Defense		
BAJI 9.09	Component Parts Defense		
BAJI 9.10	Bulk Supplier Defense		
	B. NEGLIGENCE LIABILITY		
BAJI 9.19	Products Liability—Transition Instruction Negligence Liability		
BAJI 9.20	Products Liability—Negligent Failure to Warn—Essential Elements		
BAJI 9.21	Products Liability—Negligence—Duty of Manufacturer		
BAJI 9.22	Products Liability—Negligence—Duty of Maker of a Component Part		
BAJI 9.23	Products Liability—Negligence—Seller Assuming Role of Manufacturer		
BAJI 9.24	Products Liability—Negligence—Seller's Duty to Inspect as to Defects		
BAJI 9.25	Products Liability—Negligence by Lessor/Bailor—Introductory		
BAJI 9.25.1	Products Liability—Negligence—Duty of Lessor or Bailor for Hire		
BAJI 9.26	Products Liability—Negligence—Duty of Bailor of Article Other Than for Use		
BAJI 9.27	Products Liability—Negligence—Bailment for Hire or Gratuitous		
	C. THE GOVERNMENT CONTRACTOR DEFENSE		
BAJI 9.30	Government Contractor Defense—Military Equipment		
	D. WARRANTY LIABILITY		
	(a) In General		
BAJI 9.40	Transition Instruction		
BAJI 9.41	Definition of Sale		
BAJI 9.42	Definition of Goods		
BAJI 9.43	Definition of Seller and Buyer		
BAJI 9.44	Warranty in General—Sale		
BAJI 9.44.5	Definition of Affirmation of Fact		
BAJI 9.45	Warranty in General in Contracts Other Than Sales		
	(b) Express Warranty		
BAJI 9.50	Express Warranty		
BAJI 9.51	Statement of Opinion		
	-		
	xxiii		

CALIFORNIA JURY INSTRUCTIONS—CIVIL		
Inst. No.		
	(c) Implied Warranty of Fitness	
BAJI 9.55	Implied Warranty of Fitness	
BAJI 9.56	Implied Warranty of Fitness of Food	
	(d) Implied Warranty of Merchantability	
BAJI 9.60	Implied Warranty of Merchantability	
BAJI 9.61	Implied Warranty of Merchantability in Contracts Other Than Sales	
BAJI 9.62	Warranty Implied by the Usage of Trade	
BAJI 9.63	Privity—When Not Required	
	(1) Commercial Code Warranties	
BAJI 9.65	Commercial Code Section 2312 Warranties	
2101 0.00	Commercial Code Scotton 2012 Warranties	
	(2) Song-Beverly Consumer Warranty Act	
BAJI 9.67	Song-Beverly Act—Repair or Replace Motor Vehicle	
BAJI 9.67.1		
BAJI 9.67.2	Presumption of Reasonable Number of Attempts	
	(e) Scope of Warranty	
BAJI 9.70	Effect of User's Allergy	
BAJI 9.71	Effect of Improper Use	
BAJI 9.72	Effect of Buyer's Examination	
	(f) Exclusion of Warranties	
BAJI 9.80	Exclusion or Modification of Express Warranties by Agreement	
BAJI 9.81	Disclaimer of Implied Warranties Disclaimer of Implied Warranties	
BAJI 9.82	Effect of Custom	
BAJI 9.83	Effect of Use After Defect Is or Should Be Known	
BAJI 9.85	Breach of Warranty—Defined	
BAJI 9.86	Song-Beverly Act—Repair or Replace Motor Vehicle [renumbered as 9.67] [Replaced]	
BAJI 9.86.1		
BAJI 9.87	Presumption of Reasonable Number of Attempts [renumbered as 9.67.2] [Replaced]	
	(g) Notice of Breach	
BAJI 9.90	Notice of Breach	
D1101 0.00	Troute of Breach	
	(h) Damages	
BAJI 9.92	Breach of Warranty—Measure of Damages	
	PART 10 CONTRACTUAL RELATIONSHIPS	
	I WRONGFUL TERMINATION	
	A CENTED AT INCORPLICATION	
DAII 10.00	A. GENERAL INSTRUCTIONS	
BAJI 10.00	Employment Contract—Definition	
BAJI 10.02	Actual/Constructive Termination of Employment—Definition	
BAJI 10.03	Breach of Contract of Employment for Unspecified Term—Introductory—Essential Elements—Defined	
	viv	
1	YYIV	

xxiv

		TABLE OF INSTRUCTIONS
Inst. N	Jo.	
	10.04	Breach of Contract of Employment for a Specified Term—Introductory—Essential Elements—Defined
BAJI	10.05	Breach of Implied Covenant of Good Faith—Employment Contract— Introductory—Essential Elements— Defined
BAJI	10.06	Wrongful Termination—Violation of Public Policy—Introductory—Essential Elements— Defined
		B. BREACH OF EMPLOYMENT
		(a) Term Not Specified
BAJI	10.10	Employment Contract—Term Not Specified—Termination—Duration
BAJI	10.11	Employment Contract—Term Not Specified—Express Agreement Not to Terminate Except for Good Cause
BAJI	10.12	Employment Contract—Term Not Specified—Implied Agreement Not to Terminate Except for Good Cause
BAJI	10.13	Good Cause—Term Not Specified—Definition
1	10.13.1	Good Cause—Termination for Misconduct
	10.14	Employment Contract—Term Not Specified—Breach of Covenant Not to Discharge Except for Good Cause
1	10.15	Breach of Employment Contract—Term Not Specified—Damages
1	10.16	Breach of Employment Contract—Employee's Duty to Mitigate Damages
BAJI	10.17	[Partial] Defense of After-Acquired Evidence of Wrongdoing
		(b) Specified Term
BAJI	10.31	Employment Contract—Specified Term—When Terminable
BAJI	10.32	Good Cause—Specified Term—Definition
BAJI	10.33	Breach of Employment Contract—Specified Term
BAJI	10.34	Breach of Employment Contract—Specified Term—Damages
		(c) Breach of Implied Covenant of Good Faith and Fair Dealing
BAJI	10.35	Implied Covenant of Good Faith and Fair Dealing—Employment Contracts—Definition—Liability for Breach
BAJI	10.37	Termination of Employee—Good Faith Mistaken Belief
BAJI	10.38	Implied Covenant of Good Faith and Fair Dealing—Damages for Breach
		C. TORTIOUS WRONGFUL TERMINATION OF EMPLOYMENT
		(a) Violation of Public Policy
BAJI	10.41	Wrongful Termination—Violation of Public Policy—Definition
BAJI	10.42	Wrongful Termination—Violation of Public Policy
BAJI	10.42.1	Wrongful Constructive Termination
BAJI	10.43	Wrongful Termination—Violation of Public Policy—Damages
		II CONTRACTS (INTRODUCTION)
		A. NATURE OF CONTRACT
BAJI	10.55	Contract Defined/Elements
BAJI	10.56	Express or Implied Contracts
		XXV

XXV

	CALIFORNIA JURY INSTRUCTIONS—CIVIL
	CALIFORNIA JURI INSTRUCTIONS—CIVIL
Inst. No.	
BAJI 10.57	Oral and Written Contracts
BAJI 10.58	Oral Agreement to Be Reduced to Writing
BAJI 10.59	Third Party Beneficiary Contract
	B. ELEMENTS OF A CONTRACT
BAJI 10.60	Mutual Consent
BAJI 10.61	Consideration
21201 10101	
	C. FORMATION OF A CONTRACT
BAJI 10.65	Offer
BAJI 10.66	Uncertainty
BAJI 10.67	Revocation
BAJI 10.68	Acceptance
BAJI 10.69	Modification
	D. IMPLIED IN LAW CONTRACTS
BAJI 10.70	Money Had and Received
BAJI 10.71	Reasonable Value of Services (Quantum Meruit)
	E. INTERPRETATION
BAJI 10.75.	Interpretation
	F. PERFORMANCE
BAJI 10.80	Conditions Precedent and Subsequent
BAJI 10.81	Excuse of Condition
BAJI 10.81	Failure of Consideration
BAJI 10.82	Discharge by Performance
BAJI 10.84	Tender
DA II 10.05	G. BREACH OF CONTRACT
BAJI 10.85	Breach—Essential Elements
BAJI 10.86	Total/Partial Breach
BAJI 10.87	Actual and Anticipatory Breach
BAJI 10.88	Waiver of Breach
	H. DAMAGES
BAJI 10.90	General Damages/Breach of Contract
BAJI 10.90.1	
BAJI 10.91	General Damages/Loss of Profits
BAJI 10.92	Special Damages/Breach of Contract
BAJI 10.93	Obligation to Pay Money Only
BAJI 10.94	Measure of Damages—Sale of Land
BAJI 10.95	Measure of Damages—Purchase of Land
	I. ASSIGNMENTS
BAJI 10.96	Assignment—Generally
	J MISCELLANEOUS WARRANTY INSTRUCTIONS
BAJI 10.97	Breach of Implied Warranty of Correctness
	xxvi

	TABLE OF INSTRUCTIONS
Inst. No.	
BAJI 10.97	ı v
BAJI 10.97	
BAJI 10.97	
BAJI 10.97	4 Damages Recoverable for Breach of an Agent's Implied Warranty of Authority
	PART 11 STATUTORY ACTIONS
	A. FEDERAL EMPLOYERS' LIABILITY ACT
	(a) Introductory
BAJI 11.00	FELA—Introductory Instruction—Railroad and Third Party Defendant
BAJI 11.01	FELA—Transitional Instructions
	(b) When Claim of Liability Is Founded on Negligence
BAJI 11.05	FELA—Introductory—Railroad Only Defendant
BAJI 11.06	FELA—Introductory—Railroad and Third Party Defendant
BAJI 11.07	FELA—The Rule of Liability—Injury, Not Death
BAJI 11.08	FELA—The Rule of Liability—Death
BAJI 11.09	FELA—A Carrier's Negligence Is the Negligence of Its Servants
BAJI 11.10	FELA—Duty Re Place to Work
BAJI 11.11	FELA—Duty Re Tools, Appliances, Etc.
BAJI 11.12	FELA—When Employee Is Engaged in the Duties of His Employment
BAJI 11.13	FELA—Scope of Employment as a Matter of Law
BAJI 11.14	FELA—Cause
BAJI 11.15	FELA—Concurring Causes
BAJI 11.16	FELA—Negligence of Defendant Need Not Be Sole Cause
BAJI 11.17	FELA—Employer Not Insurer of Employee's Safety
BAJI 11.18	FELA—Duty of Employee
	(c) When Claim of Liability Is Founded on Violation of Statute
BAJI 11.30	FELA—Transitional Instruction—Federal Employers' Liability Act to Safety Appliance Acts
BAJI 11.31	FELA—Introductory Instruction—Safety Appliance Acts
BAJI 11.32	FELA—Safety Appliance Acts—The Rule of Liability
BAJI 11.33	FELA—The Particular Safety Appliance Act Violation Charged
BAJI 11.34	FELA—Duty of Carrier as to Hand Brakes
BAJI 11.35	FELA—Duty of Carrier as to Automatic Couplers
BAJI 11.36	FELA—Breaking Coupler Requires Finding of Defective Coupler
	(d) Measure of Damages
BAJI 11.40	FELA—Measure of Damages—Personal Injury
BAJI 11.41	FELA—Measure of Damages—Death—No Contributory Negligence
BAJI 11.42	FELA—Measure of Damages—Death—Contributory Negligence an Issue
BAJI 11.43	FELA—How to Determine Economic Loss
BAJI 11.43	
BAJI 11.44	FELA—Medical Expense—Death Case
BAJI 11.45	FELA—Death Case—Pain and Suffering of Deceased
BAJI 11.46	FELA—Concerning Allocation of Damages—Death Case
	xxvii

CALIFORNIA JURY INSTRUCTIONS—CIVIL
Inst. No.
A-1. MISCELLANEOUS ACTIONS
BAJI 11.47 Identity Theft
BAJI 11.48 Drug Dealer Liability—Plaintiff Non-User
BAJI 11.48.1 Drug Dealer Liability—Plaintiff User
BAJI 11.48.2 Drug Dealer Liability—Damages—Plaintiff Non-User
BAJI 11.48.5 Independent Wholesale Sales Representatives
BAJI 11.48.6 Receiver of Stolen Property—Civil Liability
BAJI 11.48.7 Swap Meet Vendor—Receiver of Stolen Property—Civil Liability
BAJI 11.49 Whistleblower Retaliation
BAJI 11.49.001 Misrepresentation Inducing Employment
BAJI 11.49.005 Consumer's Legal Remedies Act—Deceptive Practices
BAJI 11.49.01 Labor Code § 1102.5, subdivision (c) Retaliation
BAJI 11.49.1 Defense to Whistleblower Claim
BAJI 11.49.5 Willful and Wrongful Taking of Bees
BAJI 11.49.6 Human Trafficking
BAJI 11.49.7 Commercial Exploitation of a Minor Civil Penalty
B. PUBLIC ENTITIES AND PUBLIC EMPLOYMENT
(a) Introductory
BAJI 11.50 Public Entity, Public Employee, Private Party—Distinction Between Bases of Liability
BAJI 11.50.1 Liability of Public Official—When Exempt
(b) Public Entities and Employees Thereof—Liability for Negligence
BAJI 11.51 Public Entity Liability—Negligent Conduct of Public Employee
BAJI 11.51.1 Public School Duty to Supervise
BAJI 11.51.2 Negligent Hiring by School District
BAJI 11.51.3 Negligent Supervision by a School District
BAJI 11.51.4 Negligent Retention by School District
BAJI 11.52 Public Entity Liability—Failure to Discharge a Mandatory Duty
(c) Public Entities and Employees Thereof—Liability for Dangerous Condition
BAJI 11.53 Public Entity Liability—Dangerous Condition of Public Property—What Plaintiff Must Prove
Against Public Entity
BAJI 11.54 What Is a Dangerous Condition of Public Property?
BAJI 11.55 "Property of Public Entity"—Definitions
BAJI 11.56 Public Entity—Actual Notice of Dangerous Condition
BAJI 11.57 Public Entity—Constructive Notice of Dangerous Condition
BAJI 11.58 Reasonable Time to Take Protective Measures
BAJI 11.59 Failure to Provide Regulatory Traffic Signs and Signals
BAJI 11.60 Failure to Provide Warning Signs Authorized by Vehicle Code
BAJI 11.61 Dangerous Condition Created by Reasonable Act
BAJI 11.62 Reasonable Action to Protect Against Dangerous Condition
BAJI 11.63 Changes in Public Property After Accident
(d) Public Employees Liability for Dangerous Condition of Public Property
BAJI 11.65 Public Employee Liability—Dangerous Condition of Public Property— What Plaintiff Must Prove Against Public Employee
xxviii

TABLE OF INSTRUCTIONS		
Inst. N	No.	
BAJI	11.66	Public Employee—Actual Notice of Dangerous Condition
BAJI	11.67	Public Employee—Constructive Notice of Dangerous Condition
BAJI	11.68	Design Immunity
BAJI	11.68.5	Natural Condition Immunity
		C. DATINDNE DOMAIN
		C. EMINENT DOMAIN
		(a) Introductory
BAJI	11.70	Power of Eminent Domain
BAJI	11.71	Just Compensation
		(b) Fair Market Value
RΔ.II	11.72	Just Compensation—Fair Market Value—Valuation Date
1	11.72.3	Land and Improvements to Be Valued as a Whole
1	11.72.5	Compensation for Machinery or Equipment
1	11.72.7	Compensation for Improvements Removed or Destroyed
1	11.72.7	Improvements Made After Service of Summons
1	11.72.3	Fair Market Value—Defined
1	11.74	Highest and Best Use
1	11.74	Value of Use to Parties Not Test
1	11.77	Exclusion of Increase or Decrease in Value Caused by Extraneous Factors
1	11.78	Fair Market Value—Easement
1	11.79	Value Depreciation Caused by Cloud of Condemnation
DAUI	11.75	value Depreciation Caused by Cloud of Condemnation
		(c) Expert Witnesses
1	11.80	Eminent Domain—Opinion of Witnesses as to Value
1	11.81	Eminent Domain—Weighing Expert Opinion—Evidence of Comparable Sales
BAJI	11.82	Eminent Domain—Weighing Expert Opinion—Evidence of Matters Relied Upon
		(d) Severance Damages
BAJI	11.85	Severance Damages—Fee Being Taken
BAJI	11.85.3	Severance Damages—Easement Being Taken
BAJI	11.86	Elements Not Included in Severance Damages
1	11.87	Loss of Access
BAJI	11.88	Diversion of Traffic
BAJI	11.89	Inconvenience of Traffic Regulation
		(a) Created Departure
BΔ.II	11.90	(e) Special Benefits Freeway Access Excluded
1	11.91	Loss of Goodwill
1	11.91	Benefits
1	11.96	Separate Assessment of Elements of Compensation
ומיים	11.00	
L.		(f) Burden of Proof—Costs
1	11.98	Eminent Domain—Burden of Proof
BAJI	11.99	Eminent Domain—Costs
		xxix

	CALIFORNIA	JURY INSTRUCTIONS-	_CIVII
--	------------	--------------------	--------

Inst. No.

Volume 2

PART 12 MISCELLANEOUS ACTIONS

A. FAIR EMPLOYMENT AND HOUSING	ACT
--------------------------------	-----

		III IIIII EMI EO IMENTI IE O EMIGNOTO
BAJI	12.00	Employment Discrimination—Introductory
BAJI	12.01	Employment Discrimination—Disparate Treatment
BAJI	12.01.1	Motivating Factor
BAJI	12.02	Defense of Bona Fide Occupational Qualification
BAJI	12.05	Hostile Environment Harassment
BAJI	12.05.1	Prompt Corrective Action
BAJI	12.06	"Quid Pro Quo" Sexual Harassment
BAJI	12.08	Definitions
BAJI	12.10	Retaliation
BAJI	12.11	Failure to Take Reasonable Steps to Prevent Discrimination
BAJI	12.12	Employment Discrimination—Disability
BAJI	12.12.5	Employment Discrimination—Disability—Failure to Make Reasonable Accommodation
BAJI	12.12.6	Employment Discrimination—Disability—Failure to Engage
BAJI	12.12.7	Failure To Accommodate/Failure To Engage—Defenses
BAJI	12.12.8	Employment Discrimination—Pregnancy Discriminaiton—Failure to Make Reasonable Accommodation
BAJI	12.13	Disability Discrimination—Definitions of "Medical Condition"—Mental/"Physical Disability"
BAJI	12.14	Disability Discrimination—Reasonable Accommodation/Essential Functions—Defined
BAJI	12.15	Disability Discrimination—Reasonable Accommodation—Defense of Undue Hardship
BAJI	12.16	Disability Discrimination—Defense of Health or Safety
BAJI	12.17	Health or Safety Defense—Factors to Consider
BAJI	12.20	Harassment/Respondeat Superior
BAJI	12.20.1	Avoidable Consequences
BAJI	12.21	Personal Liability—Directly and as Aider and Abettor
BAJI	12.22	Employment Discrimination—Disparate Impact
BAJI	12.23	Disparate Impact—Defense of Business Necessity
BAJI	12.25	Employment Discrimination—Damages
BAJI	12.26	Mixed-Motive Affirmative Defense
BAJI	12.27	Business Judgment
		A-1. PUBLIC SCHOOL DISCRIMINATION
BAJI	12.28.1	Public School Discrimination—Introduction
BAJI	12.28.2	Peer or Other Harassment
BAJI	12.28.3	Sexual Harassment/Orientation—Defined
		A-2. CHILD HARASSMENT
BAJI	12.29	Child or Ward Harassment
		B. FRAUD AND DECEIT
l		

(a) Introductory

BAJI 12.30 Fraud and Deceit—Introductory Instruction

XXX

	MADY IS ON INCOMPLY CONTO
	TABLE OF INSTRUCTIONS
Inst. No.	
	(b) Intentional Misrepresentation
BAJI 12.31	Fraud and Deceit—Intentional Misrepresentation
BAJI 12.32	Fraud and Deceit—Expression of Opinion
	(c) Concealment
BAJI 12.35	Fraud and Deceit—Concealment
BAJI 12.36	Fraud and Deceit—Nondisclosure of Known Facts
BAJI 12.37	Fraud and Deceit—Active Concealment of Known Facts
BAJI 12.37.1	Negligent Nondisclosure By Fiduciary
	(d) False Promise
DA II 10 40	
BAJI 12.40 BAJI 12.41	Fraud and Deceit—False Promise Fraud and Deceit—Proof of Intent Not to Perform
DAJ1 12.41	Fraud and Deceit—Proof of Intent Not to Perform
	(e) Negligent Misrepresentation
BAJI 12.45	Fraud and Deceit—Negligent Misrepresentation
2101 12,10	Trada and Doorto Trogagono Interpresentation
	(f) Persons Affected
BAJI 12.50	Fraud and Deceit—Persons in/Not in Privity With Defendant
BAJI 12.50.1	Fraud and Deceit—Professionals—Persons to Whom Representation Made
	() . D .!!
	(g) Reliance
BAJI 12.51	Fraud and Deceit—Reliance
BAJI 12.52	Fraud and Deceit—Right to Rely
BAJI 12.53	Fraud and Deceit—Effect of Independent Investigation
	(h) Damages
BAJI 12.56	Fraud and Deceit—Damages—Out of Pocket Rule
BAJI 12.57	Fraud and Deceit—Damages—Benefit of the Bargain Rule
51101 12.01	Trada and Beech Banages Benefit of the Bargain Ivaic
	C. IMPLIED INDEMNITY
	(a) Introductory
BAJI 12.60	Implied Indemnity—Introductory Instruction
	(b) Implied Contractual Indemnity
BAJI 12.61	Implied Contractual Indemnity—General Rule
BAJI 12.62	Implied Contractual Indemnity—Contractual Relationship in Issue
BAJI 12.63	Implied Contractual Indemnity—Contractual Relationship Admitted
BAJI 12.64	Implied Contractual Indemnity—Duty to Use Care
	(-) T12-1 T1
D 4 II 10 00	(c) Implied Indemnity—Indemnitee's Negligence
BAJI 12.69	Implied Indemnity—Comparative Fault Among Defendants
	D. EMOTIONAL DISTRESS
	(a) Intentional Infliction
BAJI 12.70	Intentional Infliction of Emotional Distress
= ===	
	xxxi

CALIFORNIA HIDVINGTONIC CIVII			
	CALIFORNIA JURY INSTRUCTIONS—CIVIL		
Inst. N	No.		
BAJI	12.71	Intentional Infliction of Emotional Distress—Fear of Cancer/AIDS	
BAJI	12.72	Emotional Distress—Defined	
BAJI	12.73	Severe—Defined	
BAJI	12.74	Extreme and Outrageous Conduct—Defined	
BAJI	12.75	Effect of Relationship of Parties	
	12.76	Susceptibility of Plaintiff	
•	12.77	Intentional and Reckless—Defined	
	12.78	Privilege 2 cm 2 c	
21201	120		
		(b) Negligent Infliction	
BAJI	12.80	Negligent Infliction of Emotional Distress	
BAJI	12.80.1	Negligent Infliction of Emotional Distress—Fear of Cancer/AIDS	
	12.80.2	Negligent Infliction of Emotional Distress—Fear of Cancer/AIDS—Malicious, Oppressive or	
		Fraudulent Conduct	
BAJI	12.81	Causes of Nervous Shock	
		(c) Emotional Distress Caused by Injury to Another	
BAJI	12.83	Bystander Recovery of Emotional Distress	
		(d) Emotional Distress Resulting From Financial Injury	
BAJI	12.85	Emotional Distress Resulting From Financial Injury	
	(a) Danie de Francisco I Districo		
		(e) Damages—Emotional Distress	
BAJI	12.88	Damages—Emotional Distress	
		E. INSURANCE COMPANY'S OBLIGATIONS	
		E. INSCIPATOE COMPANTS OBLIGATIONS	
(a) In General			
BAJI	12.90	Insurance Company's Obligations—Implied Obligation of Good Faith	
		(b) Duty as to First Party Claims	
BAJI	12.92	Bad Faith—Elements of Claim for Withholding Payment of Benefits	
BAJI	12.93	Evaluation of Reasonableness	
BAJI	12.94	Insurance Company's Obligations—Factors to Consider	
		T. J. J. S.	
		(c) Duty as to Third Party Claims	
BAJI	12.95	Bad Faith—Duty to Accept Reasonable Settlement Offer to Settle Third Party Claim	
BAJI	12.95.1	Bad Faith—Unreasonable Refusal to Defend Against Third Party Claim	
BAJI	12.96	Insurance Company's Obligations—Considering Interest of Insured Equally to Its Own	
•	12.97	Insurance Company's Obligations—Rejection of Settlement Offer Without Consideration	
•	12.98	Insurance Company's Obligations—Factors to Consider	
21201	12.00	insurance company a congustation of constant	
		(d) Defenses	
BAJI	12.98.1	Defense of Noncooperation	
BAJI	12.98.2	Defense of Failure to Give Notice/Proof of Loss	
		F. INTENTIONAL INTERFERENCE WITH PROPERTY	
BAJI	12.99	Conversion—Essential Elements—Damages	
		xxxii	
		ΑΛΛΙΙ	

	TABLE OF INSTRUCTIONS
Inst. No.	
BAJI 12.99.1	Trespass to Personal Property
	PART 13 VICARIOUS RESPONSIBILITY
	A. PRINCIPAL AND AGENT—EMPLOYER AND EMPLOYEE
BAJI 13.00	Agent—Definition of
BAJI 13.01	Scope of Authority/Employment—Meaning
BAJI 13.02	When Agent Attends to Personal Affairs
BAJI 13.02.1	
BAJI 13.02.2	
BAJI 13.02.3	
BAJI 13.03	Directed Imputation Against a Defendant Principal—Both Principal and Agent Sued—No Issue as to Agency or Scope of Employment
BAJI 13.04	Directed Imputation Against a Defendant Principal—Principal Sued But Not Agent—No Issue as to Agency or Scope of Employment
BAJI 13.05	Directed Imputation of Agent's Contributory Negligence to Plaintiff
BAJI 13.06	Contested Issue of Imputation to Defendant—Both Principal and Agent Sued
BAJI 13.06.0	2 Contested Issue of Imputation to Defendant Employer—Intentional Misconduct
	B. EMPLOYER OF INDEPENDENT CONTRACTOR
BAJI 13.07	Contested Issue of Imputation to Defendant—Principal Sued But Not Agent
BAJI 13.20	Agent or Independent Contractor—Distinction
BAJI 13.20.5	Ostensible Agent
BAJI 13.20.6	Ostensible Agency—Hospital and Physician
BAJI 13.21	Employer of Independent Contractor—Liability for Work With Peculiar Risk of Harm
BAJI 13.21.4	"Peculiar Risk" "Special Risk"—Defined
BAJI 13.22	Employer of Independent Contractor—Liability for Nondelegable Duty
	C. CORPORATION
BAJI 13.30	Corporation Acts Through Its Officers and Employees
	D. PARTNERSHIP
BAJI 13.35	Partner—Imputation of Negligence
	E. JOINT ENTERPRISE
BAJI 13.40	Joint Enterprise Liability—Definition
BAJI 13.41	Imputation of Negligence to Plaintiff or Defendant—Contested Issue of Joint Enterprise
	F. MOTOR VEHICLE OWNER
BAJI 13.50	Liability of Owner for Permissive Use of Vehicle
BAJI 13.51	Liability of Owner—No Issue as to Permission
BAJI 13.52	Liability of Owner—Contested Issue as to Permission
BAJI 13.53	Limited Permissive Use—Effect of Use Beyond Scope of Permission
	G. DRIVER—RIDER
BAJI 13.60	Direction Against Imputation of Driver's Negligence to Plaintiff Rider
BAJI 13.61	Imputation of Driver's Negligence to Plaintiff Rider—Contested Issue of Agency
	xxxiii
	XXXIII

	CALIFORNIA JURY INSTRUCTIONS—CIVIL	
Inst. No.		
11131. 140.	H. PARENTS OF MINOR MOTOR VEHICLE OPERATOR	
BAJI 13.65	Liability of Parents for Minor's Permissive Use—No Issue as to Permission	
BAJI 13.66	Liability of Parents for Minor's Permissive Use—Issue as to Permission	
BAJI 13.67	Liability of Cosigner of Minor's Application for License	
	I. PARENTS—GENERALLY	
BAJI 13.75	General Rule of Parental Liability	
BAJI 13.76	Parents' Duty to Protect Minor Child	
	J. NEGLIGENT ENTRUSTMENT	
BAJI 13.80	Negligent Entrustment of Vehicle—Special Findings	
BAJI 13.81	Negligent Entrustment of an Instrumentality	
	K. CONSPIRATORS	
BAJI 13.85	Conspiracy—Definition/Introductory	
BAJI 13.86	Conspiracy—Joint Responsibility	
BAJI 13.87	Conspiracy—Proof of Express Agreement Not Necessary	
BAJI 13.88	Association Alone Does Not Prove Membership in Conspiracy	
BAJI 13.89	Acquaintance With All Co-Conspirators Not Necessary	
BAJI 13.90	When Conspirators Not Liable for Act of Co-Conspirator	
BAJI 13.91	Conspirators Not Bound by Act or Declaration of Non-Conspirator	
BAJI 13.92	Commission of Act in Furtherance of a Conspiracy Does Not Itself Prove Membership in Conspiracy	
BAJI 13.93	Joining Conspiracy after Its Formation	
BAJI 13.94	Withdrawal From Conspiracy	
BAJI 13.95	Liability for Acts Committed After Termination of Conspiracy	
BAJI 13.96	Conspiracy—Case Must Be Considered as to Each Defendant	
BAJI 13.97	Determination of Admissibility of Co-Conspirator's Statements	
	PART 14 DAMAGES	
	A. COMPENSATORY DAMAGES	
BAJI 14.00	Compensatory Damages—Personal Injury and Property Damage—Introductory for General Verdict	
BAJI 14.01	Compensatory Damages—Personal Injury and Property Damage—Introductory for General Verdict (Admitted Liability)	
BAJI 14.02	Compensatory Damages—Personal Injury and Property Damage—Introductory for Special Verdict	
	B. MEASURE OF DAMAGES	
	(a) Personal Injury	
BAJI 14.10	Measure of Damages—Personal Injury—Expenses Incurred	
BAJI 14.10.1	1 Medical Monitoring Costs	
BAJI 14.11	Measure of Damages—Personal Injury—Loss of Earnings	
BAJI 14.12	Measure of Damages—Personal Injury—Loss of Earning Capacity	
BAJI 14.13	Measure of Damages—Personal Injury—Pain and Suffering	
	xxxiv	

		TABLE OF INSTRUCTIONS				
Inst. N	Inst. No.					
		(b) Property Damaged				
BAJI	14.20	Measure of Damages—Personal Property—Property Damaged				
BAJI	14.21	Measure of Damages—Personal Property—Lost or Destroyed				
BAJI	14.22	Measure of Damages—Personal Property—Loss of Use				
BAJI	14.23	Measure of Damages—Brandt Attorney Fees				
		(c) Injury to Minor				
BAJI	14.30	Damages—Injury to Minor—Suit by Parents and Minor				
BAJI	14.31	Measure of Damages—Injury to Minor—Minor's Damages				
BAJI	14.32	Measure of Damages—Injury to Child—Parent's Damages				
		(d) Loss of Consortium				
BAJI	14.40	Measure of Damages—Loss of Consortium				
		(e) Wrongful Death				
BAJI	14.50	Measure of Damages—Death of Adult				
BAJI		Death of Adult—Damages Not to be Allocated				
BAJI	14.52	Measure of Damages—Death of Child				
		C. MISCELLANEOUS DAMAGES INSTRUCTIONS				
		(a) Personal Injury				
BAJI	14.60	Speculative Damages Not Permitted				
BAJI	14.60.5	Damages—Public Entities—Jury Not to Speculate on Other Sources of Benefit				
BAJI		Personal Injury—No Punitive Damages				
BAJI		Pleadings or Argument—Not Evidence of Damages				
BAJI		Settlement With Joint Tortfeasor—Court Deducts				
BAJI		Damages—Aggravation of Preexisting Condition				
BAJI		Damages—Additional Harm Resulting From Original Injury				
BAJI		Damages—Personal Injury—Duty to Mitigate				
1	14.67.1	Damages—Personal Injury—Failure to Mitigate as Contributory Negligence				
BAJI		Damages—Personal Property—Duty to Mitigate				
BAJI		Damages—Life Expectancy				
BAJI	14.70	Present Cash Value—Meaning of				
(b) Punitive Damages						
BAJI		Punitive Damages—Recovery of and Measure—Trial Not Bifurcated				
1	14.71.1	Punitive Damages—Out-of-State Conduct				
1	14.71.2	Punitive Damages—Reprehensible Conduct—Factors to Consider				
I	14.72.1	Punitive Damages—Recovery of—(Bifurcated Trial—First Phase)				
BAJI	14.72.2	Punitive Damages—Measure of—(Bifurcated Trial—Second Phase)				
BAJI	14.73	Punitive Damages Against Principal for Acts of Agent—When Permitted (Non-Bifurcated Trial)				
BAJI	14.73.1	Punitive Damages Against Principal for Acts of Agent—When Permitted (Bifurcated Trial—First Phase)				
BAJI	14.74	Managing Agent—Defined				
BAJI	14.75	Driving When Intoxicated—Actual Malice—Punitive Damages				
		XXXV				

		CALIFORNIA JURY INSTRUCTIONS—CIVIL
Inst. N	No.	
	14.76	Definition of Economic and Non-Economic Damages
	D.	DETERMINING DAMAGES UNDER COMPARATIVE NEGLIGENCE
BAJI	14.90	Reduction of Damages Because of Contributory Negligence—General Verdict
BAJI	14.91	Guidelines in Determining Comparative Negligence
		PART 15 CONCLUDING INSTRUCTIONS
		A. MULTIPLE PARTIES
BAJI	15.00	Two or More Plaintiffs—Case of Each Separate
1	15.01	Contributory Negligence as to Certain Plaintiffs
1	15.02	Each Defendant Entitled to Separate Consideration
1	15.03	General Verdict—Economic and Non-Economic Damages
BAJI	15.03.1	Plaintiff Settles With Some of Several Tortfeasors
		B. CONCERNING WORKERS' COMPENSATION BENEFITS
1	15.10	When Employee Receives Workers' Compensation and Sues Third Party for Same Injury
1	15.12	Jurisdiction—Civil Court or Workers' Compensation Appeals Board
1	15.13	Liability of Employer to Employee—Exceptions to General Rule
BAJI	15.14	"Power Press" Exception—Elements—Definitions
		C. CAUTIONARY INSTRUCTIONS
1	15.20	Jury Not to Take Cue From Judge
1	15.21	Judge's Comment on Evidence
BAJI	15.22	All Instructions Not Necessarily Applicable
		D. JURORS' DUTIES
1	15.30	Jurors to Deliberate
	15.31	How Jurors Should Approach Their Task
1	15.33	Chance or Quotient Verdict Prohibited
ı	15.35	Electronic Communication Devices—Prohibition
DAJI	15.40	Separation Admonition
		E. CONCLUDING INSTRUCTIONS
1	15.50	Concluding Instruction—General Verdict Without Special Findings
1	15.51	Concluding Instruction—General Verdict With Special Findings
ı	15.52	Concluding Instruction—Special Verdict
1	15.53.1	Jury Questions
1	15.53.2	Read Back Procedures
1	15.54	Concluding Instruction—Bifurcated Trial—Liability Issue
1	15.55	Concluding Instruction—Bifurcated Trial—Damage Issue
1	15.56	Substitution of Juror After Deliberations Begun
DAJI	15.60	Deadlocked Jury Admonition
		PART 16 FORMS AND JUDGMENT ON SPECIAL VERDICT
1	16.00	Form of Special Verdict—Negligence
BAJI	16.01	Form of Special Verdict—Medical Malpractice
		xxxvi

	TABLE OF INSTRUCTIONS
Inst. No.	Form of Crosial Wardist I sale of Informed Consent
BAJI 16.01.1 BAJI 16.02	Form of Special Verdict—Lack of Informed Consent
BAJI 16.02 BAJI 16.04	Form of Special Verdict—Owners, Occupant's or Lessor's Liability
BAJI 16.04 BAJI 16.05	Form of Special Verdict—Peculiar Risk Doctrine
BAJI 16.05 BAJI 16.10	Form of Special Verdict—Scene of an Emergency Form of Special Verdict—Products Liability—Comparative Fault
BAJI 16.10	Form of Special Verdict—Products Liability—Comparative Fault Form of Special Verdict—Negligence and Products Liability—Comparative Fault
BAJI 16.11 BAJI 16.12	Form of Special Verdict—Products Liability—Comparative Fault and Comparative Implied
	Indemnity Between Defendants
BAJI 16.13	Form of Special Verdict—Products Liability—Warranty
BAJI 16.14	Form of Special Verdict—Store Owner's Duty of Care
BAJI 16.15	Form of Special Verdict–Products Liability–Strict Liability for Failure to Warn–Essential Elements
BAJI 16.16	Form of Special Verdict–Products Liability–Negligent Failure to Warn–Essential Elements
BAJI 16.17	Form of Special Verdict-Private Nuisance-Essential Elements-Damages
BAJI 16.20	Form of Special Verdict—FELA—Negligence
BAJI 16.20.1	Form of Special Verdict—Violation of Safety Appliance Act
BAJI 16.25	Form of Special Verdict—Elder/Dependent Adult Abuse
BAJI 16.26.1	Form of Special Verdict—Inducing Breach of Contract
BAJI 16.26.2	Form of Special Verdict—Interference With Contractual Relations
BAJI 16.26.3	Form of Special Verdict—Intentional Interference With Prospective Economic Advantage
BAJI 16.26.4	Form of Special Verdict—Negligent Interference With Prospective Economic Advantage
BAJI 16.26.5	Form of Special Verdict—Privilege of Competition
BAJI 16.26.6	Form of Special Verdict—Trade Libel
BAJI 16.28	Form of Special Verdict—Identity Theft
BAJI 16.30	Form of Special Verdict—Liability for Dangerous Condition of Public Property
BAJI 16.32	Form of Special Verdict—Negligent Undertaking
BAJI 16.40	Form of Special Verdict—Drug Dealer Liability—Plaintiff Non-User-Direct Sale
BAJI 16.40.1	Form of Special Verdict—Drug Dealer Liability—Plaintiff Non-User-Indirect Sale
BAJI 16.40.2	Form of Special Verdict—Drug Dealer Liability—Plaintiff User-Direct Sale
BAJI 16.41	Form of Special Verdict—Battery
BAJI 16.43	Form of Special Verdict—Independent Wholesale Sales Representatives
BAJI 16.50	Form of Special Verdict—Intentional Misrepresentation
BAJI 16.50.1	Form of Special Verdict—Concealment
BAJI 16.50.2	Form of Special Verdict—False Promise
BAJI 16.50.3	Form of Special Verdict—Negligent Misrepresentation
BAJI 16.51	Form of Special Verdict—Intentional Infliction of Emotional Distress
BAJI 16.51	Form of Special Verdict—Negligent Infliction of Emotional Distress
BAJI 16.52	Form of Special Verdict—Register Infliction of Emotional Distress Form of Special Verdict—Bystander Recovery of Emotional Distress
BAJI 16.55	
	Form of Special Verdict—Employment Discrimination—Disparate Treatment
BAJI 16.55.1	Form of Special Verdict—Employment Discrimination—Disparate Treatment—Mixed Motive Defense
BAJI 16.55.2	Form of Special Verdict—Employment Discrimination—Disparate Treatment—Bona Fide Occupational Qualification Defense
BAJI 16.55.3	Form of Special Verdic—Employment Discrimination—Retaliation
BAJI 16.55.4	Form of Special Verdict—Employment Discrimination—Whistleblower Retaliation
BAJI 16.55.5	Form of Special Verdict—Labor Code § 1102.5, Subdivision (c) Retaliation
	xxxvii

	CALIFORNIA JURY INSTRUCTIONS—CIVIL					
Inst. N	lo.					
•	16.60	Form of Special Verdict—Vicarious Responsibility—Principal and Agent				
1	16.60.1	Form of Special Verdict—Vehicle Permissive User				
1	16.61	Form of Special Verdict—Breach of Warranty of Authority				
1	16.61.1	Form of Special Verdict—Bad Faith Breach of Warranty of Authority				
1	16.62	Form of Special Verdict—Breach of Contract of Employment—Unspecified Term				
BAJI	16.62.1	Form of Special Verdict—Breach of Contract of Employment—Specified Term				
BAJI	16.62.2	Form of Special Verdict—Breach of Covenant of Good Faith—Employment Contract				
BAJI	16.62.3	Form of Special Verdict—Wrongful Termination in Violation of Public Policy				
BAJI	16.64.1	Form of Special Verdict—Physical Invasion of Privacy				
BAJI	16.64.2	Form of Special Verdict—Constructive Invasion of Privacy				
BAJI	16.64.3	Form of Special Verdict—Assault/False Imprisonment With Intent to Violate Privacy				
BAJI	16.64.4	Form of Special Verdict—Right of Privacy—Intrusion				
BAJI	16.64.5	Form of Special Verdict—Right of Privacy—Public Disclosure of Private Facts				
BAJI	16.64.6	Form of Special Verdict—Right of Privacy—Placing Plaintiff in False Light				
BAJI	16.64.7	Form of Special Verdict—Directing, Soliciting, Etc., An Invasion of Privacy				
BAJI	16.64.8	Form of Special Verdict—State Agency Violation of Information Practices Act (IPA)				
BAJI	16.64.9	Form of Special Verdict—Invasion of Privacy Resulting from a Violation of the Information Practices Act (IPA)				
BAJI	16.65	Form of Special Verdict—Eavesdropping or Recording Confidential Communication				
BAJI	16.66	Form of Special Verdict—Child or Ward Harassment				
BAJI	16.67	Form of Special Verdict—Willful and Wrongful Taking of Bees				
BAJI	16.68	Form of Special Verdict—Human Trafficking				
BAJI	16.69	Form of Special Verdict—California Civil Rights Violation (Bane Act)				
BAJI	16.69.1	Form of Special Verdict—Sexual Harassment				
1	16.69.2	Form of Special Verdict—Unruh Act Violation				
1	16.69.3	Form of Special Verdict—Unruh Act—ADA Violation				
1	16.69.4	Form of Special Verdict—Gender Violence				
1	16.69.5	Form of Special Verdict—Sexual Orientation Violence				
1	16.69.6	Form of Special Verdict—Violent Civil Rights Violations				
1	16.69.7	Form of Special Verdict—Calif. Disabled Persons Act				
1	16.69.8	Form of Special Verdict—Domestic Violence				
1	16.69.9	Form of Special Verdict—Interference with Ingress to or Egress from a Facility				
BAJI	16.72	Form of Special Verdict—Comparative Implied Indemnity—Multiple Defendants— Negligence by Plaintiff's Employer				
BAJI	16.73	Form of Special Verdict—Comparative Implied Indemnity—Multiple Defendants— Contributory Negligence an Issue				
	16.75	Form of Special Verdict—Employee Receives Workers' Compensation and Sues One Defendant Third Party for Same Injury—Third Party Claims Employer's Concurrent Negligence				
1	16.81	Punitive Damages—Bifurcated Trial—Phase I				
1	16.82	Punitive Damages—Bifurcated Trial—Phase II				
1	16.90	Judgment on Special Verdict				
1	16.91	Special Finding Form—Comparative Fault—Economic and Non-Economic Damages				
•	16.92	Special Finding Form—Permissive User Agent of Owner				
BAJI	16.93	Special Finding Form—Negligent Entrustment of Vehicle				