

TABLE OF INSTRUCTIONS

Volume 1

PRETRIAL

Inst. No.

- 100 Preliminary Admonitions
- 101 Overview of Trial
- 102 Taking Notes During the Trial
- 103 Multiple Parties
- 104 Nonperson Party
- 105 Insurance
- 106 Evidence
- 107 Witnesses
- 108 Duty to Abide by Translation Provided in Court
- 109 Removal of Claims or Parties
- 110 Service Provider for Juror With Disability
- 111 Instruction to Alternate Jurors
- 112 Questions From Jurors
- 113 Bias
- 114 Bench Conferences and Conferences in Chambers
- 115 “Class Action” Defined (Plaintiff Class)
- 116 Why Electronic Communications and Research Are Prohibited
- 117 Wealth of Parties
- 118 Personal Pronouns
- 119–199 Reserved for Future Use

EVIDENCE

- 200 Obligation to Prove—More Likely True Than Not True
- 201 Highly Probable—Clear and Convincing Proof
- 202 Direct and Indirect Evidence
- 203 Party Having Power to Produce Better Evidence
- 204 Willful Suppression of Evidence
- 205 Failure to Explain or Deny Evidence
- 206 Evidence Admitted for Limited Purpose
- 207 Evidence Applicable to One Party
- 208 Deposition as Substantive Evidence
- 209 Use of Interrogatories of a Party
- 210 Requests for Admissions
- 211 Prior Conviction of a Felony
- 212 Statements of a Party Opponent
- 213 Adoptive Admissions

CALIFORNIA JURY INSTRUCTIONS

Inst. No.

- 214 Reserved for Future Use
- 215 Exercise of a Communication Privilege
- 216 Exercise of Right Not to Incriminate Oneself (Evid. Code, § 913)
- 217 Evidence of Settlement
- 218 Statements Made to Physician (Previously Existing Condition)
- 219 Expert Witness Testimony
- 220 Experts—Questions Containing Assumed Facts
- 221 Conflicting Expert Testimony
- 222 Evidence of Sliding-Scale Settlement
- 223 Opinion Testimony of Lay Witness
- 224 Testimony of Child
- 225–299 Reserved for Future Use

CONTRACTS

- 300 Breach of Contract—Introduction
- 301 Third-Party Beneficiary
- 302 Contract Formation—Essential Factual Elements
- 303 Breach of Contract—Essential Factual Elements
- 304 Oral or Written Contract Terms
- 305 Implied-in-Fact Contract
- 306 Unformalized Agreement
- 307 Contract Formation—Offer
- 308 Contract Formation—Revocation of Offer
- 309 Contract Formation—Acceptance
- 310 Contract Formation—Acceptance by Silence
- 311 Contract Formation—Rejection of Offer
- 312 Substantial Performance
- 313 Modification
- 314 Interpretation—Disputed Words
- 315 Interpretation—Meaning of Ordinary Words
- 316 Interpretation—Meaning of Technical Words
- 317 Interpretation—Construction of Contract as a Whole
- 318 Interpretation—Construction by Conduct
- 319 Interpretation—Reasonable Time
- 320 Interpretation—Construction Against Drafter
- 321 Existence of Condition Precedent Disputed
- 322 Occurrence of Agreed Condition Precedent
- 323 Waiver of Condition Precedent
- 324 Anticipatory Breach
- 325 Breach of Implied Covenant of Good Faith and Fair Dealing—Essential Factual Elements
- 326 Assignment Contested
- 327 Assignment Not Contested
- 328 Breach of Implied Duty to Perform With Reasonable Care—Essential Factual Elements
- 329 Reserved for Future Use
- 330 Affirmative Defense—Unilateral Mistake of Fact
- 331 Affirmative Defense—Bilateral Mistake

TABLE OF INSTRUCTIONS

Inst. No.	
332	Affirmative Defense—Duress
333	Affirmative Defense—Economic Duress
334	Affirmative Defense—Undue Influence
335	Affirmative Defense—Fraud
336	Affirmative Defense—Waiver
337	Affirmative Defense—Novation
338	Affirmative Defense—Statute of Limitations
339–349	Reserved for Future Use
350	Introduction to Contract Damages
351	Special Damages
352	Loss of Profits—No Profits Earned
353	Loss of Profits—Some Profits Earned
354	Owner's/Lessee's Damages for Breach of Contract to Construct Improvements on Real Property
355	Obligation to Pay Money Only
356	Buyer's Damages for Breach of Contract for Sale of Real Property (Civ. Code, § 3306)
357	Seller's Damages for Breach of Contract to Purchase Real Property
358	Mitigation of Damages
359	Present Cash Value of Future Damages
360	Nominal Damages
361	Reliance Damages
362–369	Reserved for Future Use
370	Common Count: Money Had and Received
371	Common Count: Goods and Services Rendered
372	Common Count: Open Book Account
373	Common Count: Account Stated
374	Common Count: Mistaken Receipt
375	Restitution From Transferee Based on Quasi-Contract or Unjust Enrichment
376–379	Reserved for Future Use
380	Agreement Formalized by Electronic Means—Uniform Electronic Transactions Act (Civ. Code, § 1633.1 et seq.)
381–399	Reserved for Future Use
VF-300	Breach of Contract
VF-301	Breach of Contract—Affirmative Defense—Unilateral Mistake of Fact
VF-302	Breach of Contract—Affirmative Defense—Duress
VF-303	Breach of Contract—Contract Formation at Issue
VF-304	Breach of Implied Covenant of Good Faith and Fair Dealing
VF-305–VF-399	Reserved for Future Use

NEGLIGENCE

400	Negligence—Essential Factual Elements
401	Basic Standard of Care
402	Standard of Care for Minors
403	Standard of Care for Person with a Physical Disability
404	Intoxication
405	Comparative Fault of Plaintiff
406	Apportionment of Responsibility

CALIFORNIA JURY INSTRUCTIONS

Inst. No.

407 Comparative Fault of Decedent
408–410 Reserved for Future Use
411 Reliance on Good Conduct of Others
412 Duty of Care Owed Children
413 Custom or Practice
414 Amount of Caution Required in Dangerous Situations
415 Employee Required to Work in Dangerous Situations
416 Amount of Caution Required in Transmitting Electric Power
417 Special Doctrines: *Res ipsa loquitur*
418 Presumption of Negligence *per se*
419 Presumption of Negligence *per se* (Causation Only at Issue)
420 Negligence *per se*: Rebuttal of the Presumption of Negligence—Violation Excused
421 Negligence *per se*: Rebuttal of the Presumption of Negligence (Violation of Minor Excused)
422 Providing Alcoholic Beverages to Obviously Intoxicated Minors (Bus. & Prof. Code, § 25602.1)
423 Public Entity Liability for Failure to Perform Mandatory Duty
424 Negligence Not Contested—Essential Factual Elements
425 “Gross Negligence” Explained
426 Negligent Hiring, Supervision, or Retention of Employee
427 Furnishing Alcoholic Beverages to Minors (Civ. Code, § 1714(d))
428 Parental Liability (Nonstatutory)
429 Negligent Sexual Transmission of Disease
430 Causation: Substantial Factor
431 Causation: Multiple Causes
432 Affirmative Defense—Causation: Third-Party Conduct as Superseding Cause
433 Affirmative Defense—Causation: Intentional Tort/Criminal Act as Superseding Cause
434 Alternative Causation
435 Causation for Asbestos-Related Cancer Claims
436–439 Reserved for Future Use
440 Negligent Use of Nondeadly Force by Law Enforcement Officer in Arrest or Other Seizure—
Essential Factual Elements
441 Negligent Use of Deadly Force by Peace Officer—Essential Factual Elements
442–449 Reserved for Future Use
450A Good Samaritan—Nonemergency
450B Good Samaritan—Scene of Emergency
450C Negligent Undertaking
451 Affirmative Defense—Contractual Assumption of Risk
452 Sudden Emergency
453 Injury Incurred in Course of Rescue
454 Affirmative Defense—Statute of Limitations
455 Statute of Limitations—Delayed Discovery
456 Defendant Estopped From Asserting Statute of Limitations Defense
457 Statute of Limitations—Equitable Tolling—Other Prior Proceeding
458–459 Reserved for Future Use
460 Strict Liability for Ultrahazardous Activities—Essential Factual Elements
461 Strict Liability for Injury Caused by Wild Animal—Essential Factual Elements

TABLE OF INSTRUCTIONS

Inst. No.	
462	Strict Liability for Injury Caused by Domestic Animal With Dangerous Propensities—Essential Factual Elements
463	Dog Bite Statute (Civ. Code, § 3342)—Essential Factual Elements
464–469	Reserved for Future Use
470	Primary Assumption of Risk—Exception to Nonliability—Coparticipant in Sport or Other Recreational Activity
471	Primary Assumption of Risk—Exception to Nonliability—Instructors, Trainers, or Coaches
472	Primary Assumption of Risk—Exception to Nonliability—Facilities Owners and Operators and Event Sponsors
473	Primary Assumption of Risk—Exception to Nonliability—Occupation Involving Inherent Risk
474–499	Reserved for Future Use
VF-400	Negligence—Single Defendant
VF-401	Negligence—Single Defendant—Plaintiff's Negligence at Issue—Fault of Others Not at Issue
VF-402	Negligence—Fault of Plaintiff and Others at Issue
VF-403	Primary Assumption of Risk—Liability of Coparticipant
VF-404	Primary Assumption of Risk—Liability of Instructors, Trainers, or Coaches
VF-405	Primary Assumption of Risk—Liability of Facilities Owners and Operators and Event Sponsors
VF-406	Negligence—Providing Alcoholic Beverages to Obviously Intoxicated Minor
VF-407	Strict Liability—Ultrahazardous Activities
VF-408	Strict Liability for Domestic Animal With Dangerous Propensities
VF-409	Dog Bite Statute (Civ. Code, § 3342)
VF-410	Statute of Limitations—Delayed Discovery—Reasonable Investigation Would Not Have Disclosed Pertinent Facts
VF-411	Parental Liability (Nonstatutory)
VF-412–VF-499	Reserved for Future Use

MEDICAL NEGLIGENCE

500	Medical Negligence—Essential Factual Elements
501	Standard of Care for Health Care Professionals
502	Standard of Care for Medical Specialists
503A	Psychotherapist's Duty to Protect Intended Victim From Patient's Threat
503B	Affirmative Defense—Psychotherapist's Communication of Threat to Victim and Law Enforcement
504	Standard of Care for Nurses
505	Success Not Required
506	Alternative Methods of Care
507	Duty to Warn Patient
508	Duty to Refer to a Specialist
509	Abandonment of Patient
510	Derivative Liability of Surgeon
511	Wrongful Birth—Sterilization/Abortion—Essential Factual Elements
512	Wrongful Birth—Essential Factual Elements
513	Wrongful Life—Essential Factual Elements
514	Duty of Hospital
515	Duty of Hospital to Provide Safe Environment
516	Duty of Hospital to Screen Medical Staff
517	Affirmative Defense—Patient's Duty to Provide for the Patient's Own Well-Being

CALIFORNIA JURY INSTRUCTIONS

Inst. No.

518 Medical Malpractice: Res ipsa loquitur
519–529 Reserved for Future Use
530A Medical Battery
530B Medical Battery—Conditional Consent
531 Consent on Behalf of Another
532 Informed Consent—Definition
533 Failure to Obtain Informed Consent—Essential Factual Elements
534 Informed Refusal—Definition
535 Risks of Nontreatment—Essential Factual Elements
536–549 Reserved for Future Use
550 Affirmative Defense—Plaintiff Would Have Consented
551 Affirmative Defense—Waiver
552 Affirmative Defense—Simple Procedure
553 Affirmative Defense—Emotional State of Patient
554 Affirmative Defense—Emergency
555 Affirmative Defense—Statute of Limitations—Medical Malpractice—One-Year Limit (Code Civ. Proc., § 340.5)
556 Affirmative Defense—Statute of Limitations—Medical Malpractice—Three-Year Limit (Code Civ. Proc., § 340.5)
557–599 Reserved for Future Use
VF-500 Medical Negligence
VF-501 Medical Negligence—Informed Consent—Affirmative Defense—Plaintiff Would Have Consented Even If Informed
VF-502 Medical Negligence—Informed Consent—Affirmative Defense—Emergency
VF-503–VF-599 Reserved for Future Use

PROFESSIONAL NEGLIGENCE

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

MOTOR VEHICLES AND HIGHWAY SAFETY

700 Basic Standard of Care
701 Definition of Right-of-Way
702 Waiver of Right-of-Way
703 Definition of “Immediate Hazard”
704 Left Turns (Veh. Code, § 21801)

TABLE OF INSTRUCTIONS

Inst. No.	
705	Turning (Veh. Code, § 22107)
706	Basic Speed Law (Veh. Code, § 22350)
707	Speed Limit (Veh. Code, § 22352)
708	Maximum Speed Limit (Veh. Code, §§ 22349, 22356)
709	Driving Under the Influence (Veh. Code, §§ 23152, 23153)
710	Duties of Care for Pedestrians and Drivers in Crosswalk (Veh. Code, § 21950)
711	The Passenger's Duty of Care for Own Safety
712	Affirmative Defense—Failure to Wear a Seat Belt
713–719	Reserved for Future Use
720	Motor Vehicle Owner Liability—Permissive Use of Vehicle
721	Motor Vehicle Owner Liability—Affirmative Defense—Use Beyond Scope of Permission
722	Adult's Liability for Minor's Permissive Use of Motor Vehicle
723	Liability of Cosigner of Minor's Application for Driver's License
724	Negligent Entrustment of Motor Vehicle
725–729	Reserved for Future Use
730	Emergency Vehicle Exemption (Veh. Code, § 21055)
731	Definition of "Emergency" (Veh. Code, § 21055)
732–799	Reserved for Future Use
VF-700	Motor Vehicle Owner Liability—Permissive Use of Vehicle
VF-701	Motor Vehicle Owner Liability—Permissive Use of Vehicle—Affirmative Defense—Use Beyond Scope of Permission
VF-702	Adult's Liability for Minor's Permissive Use of Motor Vehicle
VF-703	Liability of Cosigner of Minor's Application for Driver's License
VF-704	Negligent Entrustment of Motor Vehicle
VF-705–VF-799	Reserved for Future Use

RAILROAD CROSSINGS

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

COMMON CARRIERS

900	Introductory Instruction
901	Status of Common Carrier Disputed
902	Duty of Common Carrier
903	Duty to Provide and Maintain Safe Equipment
904	Duty of Common Carrier Toward Passengers With Illness or Disability
905	Duty of Common Carrier Toward Minor Passengers
906	Duty of Passenger for Own Safety
907	Status of Passenger Disputed
908	Duty to Protect Passengers From Assault

CALIFORNIA JURY INSTRUCTIONS

Inst. No.

909–999 Reserved for Future Use

PREMISES LIABILITY

- 1000 Premises Liability—Essential Factual Elements
- 1001 Basic Duty of Care
- 1002 Extent of Control Over Premises Area
- 1003 Unsafe Conditions
- 1004 Obviously Unsafe Conditions
- 1005 Business Proprietor’s or Property Owner’s Liability for the Criminal Conduct of Others
- 1006 Landlord’s Duty
- 1007 Sidewalk Abutting Property
- 1008 Liability for Adjacent Altered Sidewalk—Essential Factual Elements
- 1009A Liability to Employees of Independent Contractors for Unsafe Concealed Conditions
- 1009B Liability to Employees of Independent Contractors for Unsafe Conditions—Retained Control
- 1009C Liability to Employees of Independent Contractors for Unsafe Conditions—Nondelegable Duty (Revoked)
- 1009D Liability to Employees of Independent Contractors for Unsafe Conditions—Defective Equipment
- 1010 Affirmative Defense—Recreation Immunity—Exceptions (Civ. Code, § 846)
- 1011 Constructive Notice Regarding Dangerous Conditions on Property
- 1012 Knowledge of Employee Imputed to Owner
- 1013 Landlord’s Liability for Dangerous Dog Kept on Property—Essential Factual Elements
- 1014–1099 Reserved for Future Use
- VF-1000 Premises Liability—Comparative Negligence of Others Not at Issue
- VF-1001 Premises Liability—Affirmative Defense—Recreation Immunity—Exceptions
- VF-1002 Premises Liability—Comparative Fault of Plaintiff at Issue
- VF-1003 Landlord’s Liability for Dangerous Dog Kept on Property
- VF-1004–VF-1099 Reserved for Future Use

DANGEROUS CONDITION OF PUBLIC PROPERTY

- 1100 Dangerous Condition on Public Property—Essential Factual Elements (Gov. Code, § 835)
- 1101 Control
- 1102 Definition of “Dangerous Condition” (Gov. Code, § 830(a))
- 1103 Notice (Gov. Code, § 835.2)
- 1104 Inspection System (Gov. Code, § 835.2(b)(1) & (2))
- 1105–1109 Reserved for Future Use
- 1110 Affirmative Defense—Natural Conditions (Gov. Code, § 831.2)
- 1111 Affirmative Defense—Condition Created by Reasonable Act or Omission (Gov. Code, § 835.4(a))
- 1112 Affirmative Defense—Reasonable Act or Omission to Correct (Gov. Code, § 835.4(b))
- 1113–1119 Reserved for Future Use
- 1120 Failure to Provide Traffic Control Signals (Gov. Code, § 830.4)
- 1121 Failure to Provide Traffic Warning Signals, Signs, or Markings (Gov. Code, § 830.8)
- 1122 Affirmative Defense—Weather Conditions Affecting Streets and Highways (Gov. Code, § 831)
- 1123 Affirmative Defense—Design Immunity (Gov. Code, § 830.6)
- 1124 Loss of Design Immunity (*Cornette*)
- 1125 Conditions on Adjacent Property

TABLE OF INSTRUCTIONS

Inst. No.	
1126	Failure to Warn of a Dangerous Roadway Condition Resulting From an Approved Design— Essential Factual Elements
1127–1199	Reserved for Future Use
VF-1100	Dangerous Condition of Public Property
VF-1101	Dangerous Condition of Public Property—Affirmative Defense—Reasonable Act or Omission (Gov. Code, § 835.4)
VF-1102–VF-1199	Reserved for Future Use

PRODUCTS LIABILITY

1200	Strict Liability—Essential Factual Elements
1201	Strict Liability—Manufacturing Defect—Essential Factual Elements
1202	Strict Liability—“Manufacturing Defect” Explained
1203	Strict Liability—Design Defect—Consumer Expectation Test—Essential Factual Elements
1204	Strict Liability—Design Defect—Risk-Benefit Test—Essential Factual Elements—Shifting Burden of Proof
1205	Strict Liability—Failure to Warn—Essential Factual Elements
1206	Strict Liability—Failure to Warn—Products Containing Allergens (Not Prescription Drugs)— Essential Factual Elements
1207A	Strict Liability—Comparative Fault of Plaintiff
1207B	Strict Liability—Comparative Fault of Third Person
1208	Component Parts Rule
1209–1219	Reserved for Future Use
1220	Negligence—Essential Factual Elements
1221	Negligence—Basic Standard of Care
1222	Negligence—Manufacturer or Supplier—Duty to Warn—Essential Factual Elements
1223	Negligence—Recall/Retrofit
1224	Negligence—Negligence for Product Rental/Standard of Care
1225–1229	Reserved for Future Use
1230	Express Warranty—Essential Factual Elements
1231	Implied Warranty of Merchantability—Essential Factual Elements
1232	Implied Warranty of Fitness for a Particular Purpose—Essential Factual Elements
1233	Implied Warranty of Merchantability for Food—Essential Factual Elements
1234–1239	Reserved for Future Use
1240	Affirmative Defense to Express Warranty—Not “Basis of Bargain”
1241	Affirmative Defense—Exclusion or Modification of Express Warranty
1242	Affirmative Defense—Exclusion of Implied Warranties
1243	Notification/Reasonable Time
1244	Affirmative Defense—Sophisticated User
1245	Affirmative Defense—Product Misuse or Modification
1246	Affirmative Defense—Design Defect—Government Contractor
1247	Affirmative Defense—Failure to Warn—Government Contractor
1248	Affirmative Defense—Inherently Unsafe Consumer Product (Civ. Code, § 1714.45)
1249	Affirmative Defense—Reliance on Knowledgeable Intermediary
1250–1299	Reserved for Future Use
VF-1200	Strict Products Liability—Manufacturing Defect—Comparative Fault at Issue
VF-1201	Strict Products Liability—Design Defect—Affirmative Defense—Misuse or Modification
VF-1202	Strict Products Liability—Design Defect—Risk-Benefit Test (Revoked)

CALIFORNIA JURY INSTRUCTIONS

Inst. No.

VF-1203 Strict Products Liability—Failure to Warn
VF-1204 Products Liability—Negligence—Comparative Fault of Plaintiff at Issue
VF-1205 Products Liability—Negligent Failure to Warn
VF-1206 Products Liability—Express Warranty—Affirmative Defense—Not “Basis of Bargain”
VF-1207 Products Liability—Implied Warranty of Merchantability—Affirmative Defense—Exclusion of Implied Warranties
VF-1208 Products Liability—Implied Warranty of Fitness for a Particular Purpose
VF-1209–VF-1299 Reserved for Future Use

ASSAULT AND BATTERY

1300 Battery—Essential Factual Elements
1301 Assault—Essential Factual Elements
1302 Consent Explained
1303 Invalid Consent
1304 Affirmative Defense—Self-Defense/Defense of Others
1305A Battery by Law Enforcement Officer (Nondeadly Force)—Essential Factual Elements
1305B Battery by Peace Officer (Deadly Force)—Essential Factual Elements
1306 Sexual Battery—Essential Factual Elements (Civ. Code, § 1708.5)
1307–1319 Reserved for Future Use
1320 Intent
1321 Transferred Intent
1322–1399 Reserved for Future Use
VF-1300 Battery
VF-1301 Battery—Self-Defense/Defense of Others at Issue
VF-1302 Assault
VF-1303A Battery by Law Enforcement Officer (Nondeadly Force)
VF-1303B Battery by Peace Officer (Deadly Force)
VF-1304–VF-1399 Reserved for Future Use

FALSE IMPRISONMENT

1400 No Arrest Involved—Essential Factual Elements
1401 False Arrest Without Warrant by Peace Officer—Essential Factual Elements
1402 False Arrest Without Warrant—Affirmative Defense—Peace Officer—Probable Cause to Arrest
1403 False Arrest Without Warrant by Private Citizen—Essential Factual Elements
1404 False Arrest Without Warrant—Affirmative Defense—Private Citizen—Probable Cause to Arrest
1405 False Arrest With Warrant—Essential Factual Elements
1406 False Arrest With Warrant—Peace Officer—Affirmative Defense—“Good-Faith” Exception
1407 Unnecessary Delay in Processing/Releasing—Essential Factual Elements
1408 Affirmative Defense—Police Officer’s Lawful Authority to Detain
1409 Common Law Right to Detain for Investigation
1410–1499 Reserved for Future Use
VF-1400 False Imprisonment—No Arrest Involved
VF-1401 False Imprisonment—No Arrest Involved—Affirmative Defense—Right to Detain for Investigation
VF-1402 False Arrest Without Warrant

TABLE OF INSTRUCTIONS

Inst. No.

VF-1403 False Arrest Without Warrant by Peace Officer—Affirmative Defense—Probable Cause to Arrest
VF-1404 False Arrest Without Warrant by Private Citizen—Affirmative Defense—Probable Cause to Arrest
VF-1405 False Arrest With Warrant
VF-1406 False Arrest With Warrant—Peace Officer—Affirmative Defense—“Good-Faith” Exception
VF-1407 False Imprisonment—Unnecessary Delay in Processing/Releasing
VF-1408–VF-1499 Reserved for Future Use

MALICIOUS PROSECUTION

1500 Former Criminal Proceeding—Essential Factual Elements
1501 Wrongful Use of Civil Proceedings
1502 Wrongful Use of Administrative Proceedings
1503 Affirmative Defense—Proceeding Initiated by Public Employee Within Scope of Employment (Gov. Code, § 821.6)
1504 Former Criminal Proceeding—“Actively Involved” Explained
1505–1509 Reserved for Future Use
1510 Affirmative Defense—Reliance on Counsel
1511 Wrongful Use of Civil Proceedings—Affirmative Defense—Attorney’s Reliance on Information Provided by Client
1512–1519 Reserved for Future Use
1520 Abuse of Process—Essential Factual Elements
1521–1529 Reserved for Future Use
1530 Apportionment of Attorney Fees and Costs Between Proper and Improper Claims
1531–1599 Reserved for Future Use
VF-1500 Malicious Prosecution—Former Criminal Proceeding
VF-1501 Malicious Prosecution—Wrongful Use of Civil Proceedings
VF-1502 Malicious Prosecution—Wrongful Use of Civil Proceedings—Affirmative Defense—Reliance on Counsel
VF-1503 Malicious Prosecution—Wrongful Use of Administrative Proceedings
VF-1504 Abuse of Process
VF-1505–VF-1599 Reserved for Future Use

EMOTIONAL DISTRESS

1600 Intentional Infliction of Emotional Distress—Essential Factual Elements
1601 Intentional Infliction of Emotional Distress—Fear of Cancer, HIV, or AIDS
1602 Intentional Infliction of Emotional Distress—“Outrageous Conduct” Defined
1603 Intentional Infliction of Emotional Distress—“Reckless Disregard” Defined
1604 Intentional Infliction of Emotional Distress—“Severe Emotional Distress” Defined
1605 Intentional Infliction of Emotional Distress—Affirmative Defense—Privileged Conduct
1606–1619 Reserved for Future Use
1620 Negligence—Recovery of Damages for Emotional Distress—No Physical Injury—Direct Victim—Essential Factual Elements
1621 Negligence—Recovery of Damages for Emotional Distress—No Physical Injury—Bystander—Essential Factual Elements
1622 Negligence—Recovery of Damages for Emotional Distress—No Physical Injury—Fear of Cancer, HIV, or AIDS—Essential Factual Elements

CALIFORNIA JURY INSTRUCTIONS

Inst. No.

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

1624–1699 Reserved for Future Use

VF-1600 Intentional Infliction of Emotional Distress

VF-1601 Intentional Infliction of Emotional Distress—Affirmative Defense—Privileged Conduct

VF-1602 Intentional Infliction of Emotional Distress—Fear of Cancer, HIV, or AIDS

VF-1603 Negligence—Recovery of Damages for Emotional Distress—No Physical Injury—Direct Victim

VF-1604 Negligence—Recovery of Damages for Emotional Distress—No Physical Injury—Bystander

VF-1605 Negligence—Recovery of Damages for Emotional Distress—No Physical Injury—Fear of Cancer, HIV, or AIDS

VF-1606 Negligence—Recovery of Damages for Emotional Distress—No Physical Injury—Fear of Cancer, HIV, or AIDS—Malicious, Oppressive, or Fraudulent Conduct

VF-1607–VF-1699 Reserved for Future Use

DEFAMATION

1700 Defamation per se—Essential Factual Elements (Public Officer/Figure and Limited Public Figure)

1701 Defamation per quod—Essential Factual Elements (Public Officer/Figure and Limited Public Figure)

1702 Defamation per se—Essential Factual Elements (Private Figure—Matter of Public Concern)

1703 Defamation per quod—Essential Factual Elements (Private Figure—Matter of Public Concern)

1704 Defamation per se—Essential Factual Elements (Private Figure—Matter of Private Concern)

1705 Defamation per quod—Essential Factual Elements (Private Figure—Matter of Private Concern)

1706 Definition of Statement

1707 Fact Versus Opinion

1708 Coerced Self-Publication

1709 Retraction: News Publication or Broadcast (Civ. Code, § 48a)

1710–1719 Reserved for Future Use

1720 Affirmative Defense—Truth

1721 Affirmative Defense—Consent

1722 Affirmative Defense—Statute of Limitations—Defamation

1723 Common Interest Privilege—Malice (Civ. Code, § 47(c))

1724 Fair and True Reporting Privilege (Civ. Code, § 47(d))

1725–1729 Reserved for Future Use

1730 Slander of Title—Essential Factual Elements

1731 Trade Libel—Essential Factual Elements

1732–1799 Reserved for Future Use

VF-1700 Defamation per se (Public Officer/Figure and Limited Public Figure)

VF-1701 Defamation per quod (Public Officer/Figure and Limited Public Figure)

VF-1702 Defamation per se (Private Figure—Matter of Public Concern)

VF-1703 Defamation per quod (Private Figure—Matter of Public Concern)

VF-1704 Defamation per se—Affirmative Defense—Truth (Private Figure—Matter of Private Concern)

VF-1705 Defamation per quod (Private Figure—Matter of Private Concern)

VF-1706–VF-1719 Reserved for Future Use

VF-1720 Slander of Title

TABLE OF INSTRUCTIONS

Inst. No.

VF-1721 Trade Libel
VF-1722–VF-1799 Reserved for Future Use
Table A Defamation per se
Table B Defamation per quod

Volume 2

RIGHT OF PRIVACY

1800 Intrusion Into Private Affairs
1801 Public Disclosure of Private Facts
1802 False Light
1803 Misappropriation of Name, Likeness, or Identity—Essential Factual Elements
1804A Misappropriation of Name, Voice, Signature, Photograph, or Likeness (Civ. Code, § 3344)
1804B Misappropriation of Name, Voice, Signature, Photograph, or Likeness—Use in Connection With News, Public Affairs, or Sports Broadcast or Account, or Political Campaign (Civ. Code, § 3344(d))
1805 Affirmative Defense to Misappropriation of Name, Voice, Signature, Photograph, or Likeness—First Amendment (*Comedy III*)
1806 Affirmative Defense to Invasion of Privacy—First Amendment Balancing Test—Public Interest
1807 Affirmative Defense—Invasion of Privacy Justified
1808 Stalking (Civ. Code, § 1708.7) (Revoked)
1809 Recording of Confidential Information (Pen. Code, §§ 632, 637.2)
1810 Distribution of Private Sexually Explicit Materials—Essential Factual Elements (Civ. Code, § 1708.85)
1811 Reserved for Future Use
1812 Comprehensive Computer Data and Access Fraud Act—Essential Factual Elements (Pen. Code, § 502)
1813 Definition of “Access” (Pen. Code, § 502(b)(1))
1814 Damages for Investigating Violations of Comprehensive Computer Data and Access Fraud Act (Pen. Code, § 502(e)(1))
1815–1819 Reserved for Future Use
1820 Damages
1821 Damages for Use of Name or Likeness (Civ. Code § 3344(a))
1822–1899 Reserved for Future Use
VF-1800 Privacy—Intrusion Into Private Affairs
VF-1801 Privacy—Public Disclosure of Private Facts
VF-1802 Privacy—False Light
VF-1803 Privacy—Misappropriation of Name, Likeness, or Identity
VF-1804 Privacy—Misappropriation of Name, Voice, Signature, Photograph, or Likeness (Civ. Code, § 3344)
VF-1805–VF1806 Reserved for Future Use
VF-1807 Privacy—Recording of Confidential Information (Pen. Code, §§ 632, 637.2)
VF-1808–VF-1899 Reserved for Future Use

FRAUD OR DECEIT

1900 Intentional Misrepresentation

CALIFORNIA JURY INSTRUCTIONS

Inst. No.

1901 Concealment
1902 False Promise
1903 Negligent Misrepresentation
1904 Opinions as Statements of Fact
1905 Definition of Important Fact/Promise (Revoked)
1906 Misrepresentations Made to Persons Other Than the Plaintiff
1907 Reliance
1908 Reasonable Reliance
1909 Reserved for Future Use
1910 Real Estate Seller's Nondisclosure of Material Facts
1911–1919 Reserved for Future Use
1920 Buyer's Damages for Purchase or Acquisition of Property
1921 Buyer's Damages for Purchase or Acquisition of Property—Lost Profits
1922 Seller's Damages for Sale or Exchange of Property
1923 Damages—"Out of Pocket" Rule
1924 Damages—"Benefit of the Bargain" Rule
1925 Affirmative Defense—Statute of Limitations—Fraud or Mistake
1926–1929 Reserved for Future Use
1930 Receiving Stolen Property—Civil Liability—Essential Factual Elements (Pen. Code, § 496(c))
1931–1999 Reserved for Future Use
VF-1900 Intentional Misrepresentation
VF-1901 Concealment
VF-1902 False Promise
VF-1903 Negligent Misrepresentation
VF-1904–VF-1929 Reserved for Future Use
VF-1930 Receiving Stolen Property—Civil Liability
VF-1931–VF-1999 Reserved for Future Use

TRESPASS

2000 Trespass—Essential Factual Elements
2001 Trespass—Extrahazardous Activities
2002 Trespass to Timber—Essential Factual Elements (Civ. Code, § 3346)
2003 Damage to Timber—Willful and Malicious Conduct
2004 "Intentional Entry" Explained
2005 Affirmative Defense—Necessity
2006–2019 Reserved for Future Use
2020 Public Nuisance—Essential Factual Elements
2021 Private Nuisance—Essential Factual Elements
2022 Private Nuisance—Balancing-Test Factors—Seriousness of Harm and Public Benefit
2023 Failure to Abate Artificial Condition on Land Creating Nuisance
2024–2029 Reserved for Future Use
2030 Affirmative Defense—Statute of Limitations—Trespass or Private Nuisance
2031 Damages for Annoyance and Discomfort—Trespass or Nuisance
2032–2099 Reserved for Future Use
VF-2000 Trespass
VF-2001 Trespass—Affirmative Defense—Necessity

TABLE OF INSTRUCTIONS

Inst. No.

VF-2002	Trespass—Extrahazardous Activities
VF-2003	Trespass to Timber (Civ. Code, § 3346)
VF-2004	Trespass to Timber—Willful and Malicious Conduct (Civ. Code, § 3346; Code Civ. Proc., § 733)
VF-2005	Public Nuisance
VF-2006	Private Nuisance
VF-2007–VF-2099	Reserved for Future Use

CONVERSION

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

ECONOMIC INTERFERENCE

2200	Inducing Breach of Contract
2201	Intentional Interference With Contractual Relations—Essential Factual Elements
2202	Intentional Interference With Prospective Economic Relations—Essential Factual Elements
2203	Reserved for Future Use
2204	Negligent Interference With Prospective Economic Relations
2205	Intentional Interference With Expected Inheritance—Essential Factual Elements
2206–2209	Reserved for Future Use
2210	Affirmative Defense—Privilege to Protect Own Economic Interest
2211–2299	Reserved for Future Use
VF-2200	Inducing Breach of Contract
VF-2201	Intentional Interference With Contractual Relations
VF-2202	Intentional Interference With Prospective Economic Relations
VF-2203	Negligent Interference With Prospective Economic Relations
VF-2204–VF-2299	Reserved for Future Use

INSURANCE LITIGATION

2300	Breach of Contractual Duty to Pay a Covered Claim—Essential Factual Elements
2301	Breach of Insurance Binder—Essential Factual Elements
2302	Breach of Contract for Temporary Life Insurance—Essential Factual Elements
2303	Affirmative Defense—Insurance Policy Exclusion
2304	Exception to Insurance Policy Exclusion—Burden of Proof
2305	Lost or Destroyed Insurance Policy
2306	Covered and Excluded Risks—Predominant Cause of Loss
2307	Insurance Agency Relationship Disputed
2308	Affirmative Defense—Misrepresentation or Concealment in Insurance Application
2309	Termination of Insurance Policy for Fraudulent Claim
2310–2319	Reserved for Future Use
2320	Affirmative Defense—Failure to Provide Timely Notice
2321	Affirmative Defense—Insured’s Breach of Duty to Cooperate in Defense
2322	Affirmative Defense—Insured’s Voluntary Payment

CALIFORNIA JURY INSTRUCTIONS

Inst. No.

2323–2329 Reserved for Future Use
2330 Implied Obligation of Good Faith and Fair Dealing Explained
2331 Breach of the Implied Obligation of Good Faith and Fair Dealing—Failure or Delay in Payment (First Party)—Essential Factual Elements
2332 Bad Faith (First Party)—Failure to Properly Investigate Claim—Essential Factual Elements
2333 Bad Faith (First Party)—Breach of Duty to Inform Insured of Rights—Essential Factual Elements
2334 Bad Faith (Third Party)—Refusal to Accept Reasonable Settlement Demand Within Liability Policy Limits—Essential Factual Elements
2335 Bad Faith—Advice of Counsel
2336 Bad Faith (Third Party)—Unreasonable Failure to Defend—Essential Factual Elements
2337 Factors to Consider in Evaluating Insurer's Conduct
2338–2349 Reserved for Future Use
2350 Damages for Bad Faith
2351 Insurer's Claim for Reimbursement of Costs of Defense of Uncovered Claims
2352–2359 Reserved for Future Use
2360 Judgment Creditor's Action Against Insurer—Essential Factual Elements
2361 Negligent Failure to Obtain Insurance Coverage—Essential Factual Elements
2362–2399 Reserved for Future Use
VF-2300 Breach of Contractual Duty to Pay a Covered Claim
VF-2301 Breach of the Implied Obligation of Good Faith and Fair Dealing—Failure or Delay in Payment
VF-2302 Reserved for Future Use
VF-2303 Bad Faith (First Party)—Breach of Duty to Inform Insured of Rights
VF-2304 Bad Faith (Third Party)—Refusal to Accept Reasonable Settlement Demand Within Liability Policy Limits
VF-2305–VF-2399 Reserved for Future Use

WRONGFUL TERMINATION

2400 Breach of Employment Contract—Unspecified Term—“At-Will” Presumption
2401 Breach of Employment Contract—Unspecified Term—Actual or Constructive Discharge—Essential Factual Elements
2402 Reserved for Future Use
2403 Breach of Employment Contract—Unspecified Term—Implied-in-Fact Promise Not to Discharge Without Good Cause
2404 Breach of Employment Contract—Unspecified Term—“Good Cause” Defined
2405 Breach of Implied Employment Contract—Unspecified Term—“Good Cause” Defined—Misconduct
2406 Breach of Employment Contract—Unspecified Term—Damages
2407–2419 Reserved for Future Use
2420 Breach of Employment Contract—Specified Term—Essential Factual Elements
2421 Breach of Employment Contract—Specified Term—Good-Cause Defense (Lab. Code, § 2924)
2422 Breach of Employment Contract—Specified Term—Damages
2423 Breach of Implied Covenant of Good Faith and Fair Dealing—Employment Contract—Essential Factual Elements
2424 Affirmative Defense—Breach of the Implied Covenant of Good Faith and Fair Dealing—Good Faith Through Mistaken Belief

TABLE OF INSTRUCTIONS

Inst. No.

2425–2429 Reserved for Future Use
 2430 Wrongful Discharge in Violation of Public Policy—Essential Factual Elements
 2431 Constructive Discharge in Violation of Public Policy—Plaintiff Required to Violate Public Policy
 2432 Constructive Discharge in Violation of Public Policy—Plaintiff Required to Endure Intolerable Conditions That Violate Public Policy
 2433–2440 Reserved for Future Use
 2441 Discrimination Against Member of Military—Essential Factual Elements (Mil. & Vet. Code, § 394)
 2442–2499 Reserved for Future Use
 VF-2400 Breach of Employment Contract—Unspecified Term
 VF-2401 Breach of Employment Contract—Unspecified Term—Constructive Discharge
 VF-2402 Breach of Employment Contract—Specified Term
 VF-2403 Breach of Employment Contract—Specified Term—Good-Cause Defense
 VF-2404 Employment—Breach of the Implied Covenant of Good Faith and Fair Dealing
 VF-2405 Breach of the Implied Covenant of Good Faith and Fair Dealing—Affirmative Defense—Good Faith Mistaken Belief
 VF-2406 Wrongful Discharge in Violation of Public Policy
 VF-2407 Constructive Discharge in Violation of Public Policy—Plaintiff Required to Violate Public Policy
 VF-2408 Constructive Discharge in Violation of Public Policy—Plaintiff Required to Endure Intolerable Conditions for Improper Purpose That Violates Public Policy
 VF-2409–VF-2499 Reserved for Future Use

FAIR EMPLOYMENT AND HOUSING ACT

2500 Disparate Treatment—Essential Factual Elements (Gov. Code, § 12940(a))
 2501 Affirmative Defense—Bona fide Occupational Qualification
 2502 Disparate Impact—Essential Factual Elements (Gov. Code, § 12940(a))
 2503 Affirmative Defense—Business Necessity/Job Relatedness
 2504 Disparate Impact—Rebuttal to Business Necessity/Job Relatedness Defense
 2505 Retaliation—Essential Factual Elements (Gov. Code, § 12940(h))
 2506 Limitation on Remedies—After-Acquired Evidence
 2507 “Substantial Motivating Reason” Explained
 2508 Failure to File Timely Administrative Complaint—Plaintiff Alleges Continuing Violation (Gov. Code, § 12960(e))
 2509 “Adverse Employment Action” Explained
 2510 “Constructive Discharge” Explained
 2511 Adverse Action Made by Decision Maker Without Animus (Cat’s Paw)
 2512 Limitation on Remedies—Same Decision
 2513 Business Judgment for “At-Will” Employment
 2514–2519 Reserved for Future Use
 2520 Quid pro quo Sexual Harassment—Essential Factual Elements
 2521A Work Environment Harassment—Conduct Directed at Plaintiff—Essential Factual Elements—Employer or Entity Defendant (Gov. Code, §§ 12923, 12940(j))
 2521B Work Environment Harassment—Conduct Directed at Others—Essential Factual Elements—Employer or Entity Defendant (Gov. Code, §§ 12923, 12940(j))
 2521C Work Environment Harassment—Sexual Favoritism—Essential Factual Elements—Employer or Entity Defendant (Gov. Code, §§ 12923, 12940(j))
 2522A Work Environment Harassment—Conduct Directed at Plaintiff—Essential Factual Elements—Individual Defendant (Gov. Code, §§ 12923, 12940(j))

CALIFORNIA JURY INSTRUCTIONS

Inst. No.	
2522B	Work Environment Harassment—Conduct Directed at Others—Essential Factual Elements—Individual Defendant (Gov. Code, §§ 12923, 12940(j))
2522C	Work Environment Harassment—Sexual Favoritism—Essential Factual Elements—Individual Defendant (Gov. Code, §§ 12923, 12940(j))
2523	“Harassing Conduct” Explained
2524	“Severe or Pervasive” Explained
2525	Harassment—“Supervisor” Defined (Gov. Code, § 12926(t))
2526	Affirmative Defense—Avoidable Consequences Doctrine (Sexual Harassment by a Supervisor)
2527	Failure to Prevent Harassment, Discrimination, or Retaliation—Essential Factual Elements—Employer or Entity Defendant (Gov. Code, § 12940(k))
2528	Failure to Prevent Harassment by Nonemployee (Gov. Code, § 12940(j))
2529–2539	Reserved for Future Use
2540	Disability Discrimination—Disparate Treatment—Essential Factual Elements
2541	Disability Discrimination—Reasonable Accommodation—Essential Factual Elements (Gov. Code, § 12940(m))
2542	Disability Discrimination—“Reasonable Accommodation” Explained
2543	Disability Discrimination—“Essential Job Duties” Explained (Gov. Code, §§ 12926(f), 12940(a)(1))
2544	Disability Discrimination—Affirmative Defense—Health or Safety Risk
2545	Disability Discrimination—Affirmative Defense—Undue Hardship
2546	Disability Discrimination—Reasonable Accommodation—Failure to Engage in Interactive Process (Gov. Code, § 12940(n))
2547	Disability-Based Associational Discrimination—Essential Factual Elements
2548	Disability Discrimination—Refusal to Make Reasonable Accommodation in Housing (Gov. Code, § 12927(c)(1))
2549	Disability Discrimination—Refusal to Permit Reasonable Modification to Housing Unit (Gov. Code, § 12927(c)(1))
2550–2559	Reserved for Future Use
2560	Religious Creed Discrimination—Failure to Accommodate—Essential Factual Elements (Gov. Code, § 12940(l))
2561	Religious Creed Discrimination—Reasonable Accommodation—Affirmative Defense—Undue Hardship (Gov. Code, §§ 12940(l)(1), 12926(u))
2562–2569	Reserved for Future Use
2570	Age Discrimination—Disparate Treatment—Essential Factual Elements
2571–2579	Reserved for Future Use
2580	Pregnancy Discrimination—Failure to Accommodate—Essential Factual Elements (Gov. Code, § 12945(a)(3)(A))
2581	Pregnancy Discrimination—“Reasonable Accommodation” Explained
2582–2599	Reserved for Future Use
VF-2500	Disparate Treatment (Gov. Code, § 12940(a))
VF-2501	Disparate Treatment—Affirmative Defense—Bona fide Occupational Qualification (Gov. Code, § 12940(a))
VF-2502	Disparate Impact (Gov. Code, § 12940(a))
VF-2503	Disparate Impact (Gov. Code, § 12940(a))—Affirmative Defense—Business Necessity/Job Relatedness—Rebuttal to Business Necessity/Job Relatedness Defense
VF-2504	Retaliation (Gov. Code, § 12940(h))
VF-2505	Quid pro quo Sexual Harassment

TABLE OF INSTRUCTIONS

Inst. No.	
VF-2506A	Work Environment Harassment—Conduct Directed at Plaintiff—Employer or Entity Defendant (Gov. Code, §§ 12923, 12940(j))
VF-2506B	Work Environment Harassment—Conduct Directed at Others—Employer or Entity Defendant (Gov. Code, §§ 12923, 12940(j))
VF-2506C	Work Environment Harassment—Sexual Favoritism—Employer or Entity Defendant (Gov. Code, §§ 12923, 12940(j))
VF-2507A	Work Environment Harassment—Conduct Directed at Plaintiff—Individual Defendant (Gov. Code, §§ 12923, 12940(j))
VF-2507B	Work Environment Harassment—Conduct Directed at Others—Individual Defendant (Gov. Code, §§ 12923, 12940(j))
VF-2507C	Work Environment Harassment—Sexual Favoritism—Individual Defendant (Gov. Code, §§ 12923, 12940(j))
VF-2508	Disability Discrimination—Disparate Treatment
VF-2509	Disability Discrimination—Reasonable Accommodation (Gov. Code, § 12940(m))
VF-2510	Disability Discrimination—Reasonable Accommodation—Affirmative Defense—Undue Hardship (Gov. Code, § 12940(m))
VF-2511	Religious Creed Discrimination—Failure to Accommodate (Gov. Code, § 12940(l))
VF-2512	Religious Creed Discrimination—Failure to Accommodate—Affirmative Defense—Undue Hardship (Gov. Code, §§ 12926(u), 12940(l))
VF-2513	Disability Discrimination—Reasonable Accommodation—Failure to Engage in Interactive Process (Gov. Code, § 12940(n))
VF-2514	Failure to Prevent Harassment, Discrimination, or Retaliation
VF-2515	Limitation on Remedies—Same Decision
VF-2516–VF-2599	Reserved for Future Use

CALIFORNIA FAMILY RIGHTS ACT

2600	Violation of CFRA Rights—Essential Factual Elements
2601	Eligibility
2602	Reasonable Notice by Employee of Need for CFRA Leave
2603	“Comparable Job” Explained
2604–2609	Reserved for Future Use
2610	Affirmative Defense—No Certification From Health Care Provider
2611	Affirmative Defense—Fitness for Duty Statement
2612	Affirmative Defense—Employment Would Have Ceased
2613	Affirmative Defense—Key Employee (Revoked)
2614–2619	Reserved for Future Use
2620	CFRA Rights Retaliation—Essential Factual Elements (Gov. Code, § 12945.2(k))
2621–2629	Reserved for Future Use
2630	Violation of New Parent Leave Act—Essential Factual Elements (Gov. Code, § 12945.6) (Revoked)
2631–2699	Reserved for Future Use
VF-2600	Violation of CFRA Rights
VF-2601	Violation of CFRA Rights—Affirmative Defense—Employment Would Have Ceased
VF-2602	CFRA Rights Retaliation
VF-2603–VF-2699	Reserved for Future Use

LABOR CODE ACTIONS

2700	Nonpayment of Wages—Essential Factual Elements (Lab. Code, §§ 201, 202, 218)
------	--

CALIFORNIA JURY INSTRUCTIONS

Inst. No.

2701 Nonpayment of Minimum Wage—Essential Factual Elements (Lab. Code, § 1194)
2702 Nonpayment of Overtime Compensation—Essential Factual Elements (Lab. Code, § 1194)
2703 Nonpayment of Overtime Compensation—Proof of Overtime Hours Worked
2704 Waiting-Time Penalty for Nonpayment of Wages (Lab. Code, §§ 203, 218)
2705 Independent Contractor—Affirmative Defense—Worker Was Not Hiring Entity's Employee (Lab. Code, § 2775)
2706–2709 Reserved for Future Use
2710 Solicitation of Employee by Misrepresentation—Essential Factual Elements (Lab. Code, § 970)
2711 Preventing Subsequent Employment by Misrepresentation—Essential Factual Elements (Lab. Code, § 1050)
2712–2719 Reserved for Future Use
2720 Affirmative Defense—Nonpayment of Overtime—Executive Exemption
2721 Affirmative Defense—Nonpayment of Overtime—Administrative Exemption
2722–2731 Reserved for Future Use
2732 Retaliatory Unfair Immigration-Related Practice—Essential Factual Elements (Lab. Code, § 1019)
2733–2739 Reserved for Future Use
2740 Violation of Equal Pay Act—Essential Factual Elements (Lab. Code, § 1197.5)
2741 Affirmative Defense—Different Pay Justified
2742 Bona Fide Factor Other Than Sex, Race, or Ethnicity
2743 Equal Pay Act—Retaliation—Essential Factual Elements (Lab. Code, § 1197.5(k))
2744–2749 Reserved for Future Use
2750 Failure to Reimburse Employee for Necessary Expenditures or Losses—Essential Factual Elements (Lab. Code, § 2802(a))
2751 Reserved for Future Use
2752 Tip Pool Conversion—Essential Factual Elements (Lab. Code, § 351)
2753 Failure to Pay All Vested Vacation Time—Essential Factual Elements (Lab. Code, § 227.3)
2754 Reporting Time Pay—Essential Factual Elements
2755–2759 Reserved for Future Use
2760 Rest Break Violations—Introduction (Lab. Code, § 226.7)
2761 Rest Break Violations—Essential Factual Elements (Lab. Code, § 226.7)
2762 Rest Break Violations—Pay Owed
2763–2764 Reserved for Future Use
2765 Meal Break Violations—Introduction (Lab. Code, §§ 226.7, 512)
2766A Meal Break Violations—Essential Factual Elements (Lab. Code, §§ 226.7, 512)
2766B Meal Break Violations—Rebuttable Presumption—Employer Records
2767 Meal Break Violations—Pay Owed
2768–2769 Reserved for Future Use
2770 Affirmative Defense—Meal Breaks—Waiver by Mutual Consent
2771 Affirmative Defense—Meal Breaks—Written Consent to On-Duty Meal Breaks
2772–2774 Reserved for Future Use
2775 Nonpayment of Wages Under Rounding System—Essential Factual Elements
2776–2799 Reserved for Future Use
VF-2700 Nonpayment of Wages (Lab. Code, §§ 201, 202, 218)
VF-2701 Nonpayment of Minimum Wage (Lab. Code, § 1194)
VF-2702 Nonpayment of Overtime Compensation (Lab. Code, § 1194)

TABLE OF INSTRUCTIONS

Inst. No.

VF-2703 Waiting-Time Penalty for Nonpayment of Wages (Lab. Code, §§ 203, 218)
VF-2704 Solicitation of Employee by Misrepresentation (Lab. Code, § 970)
VF-2705 Preventing Subsequent Employment by Misrepresentation (Lab. Code, § 1050)
VF-2706 Rest Break Violations (Lab. Code, § 226.7)
VF-2707 Meal Break Violations (Lab. Code, §§ 226.7, 512)
VF-2708 Meal Break Violations—Employer Records Showing Noncompliance (Lab. Code, §§ 226.7, 512)
VF-2709 Meal Break Violations—Inaccurate or Missing Employer Records (Lab. Code, §§ 226.7, 512)
VF-2710–VF-2799 Reserved for Future Use

WORKERS' COMPENSATION

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

FEDERAL EMPLOYERS' LIABILITY ACT

2900 FELA—Essential Factual Elements
2901 Negligence—Duty of Railroad
2902 Negligence—Assignment of Employees
2903 Causation—Negligence
2904 Comparative Fault
2905 Compliance With Employer's Requests or Directions
2906–2919 Reserved for Future Use
2920 Federal Safety Appliance Act or Boiler Inspection Act—Essential Factual Elements
2921 Causation Under FSAA or BIA
2922 Statute of Limitations—Special Verdict Form or Interrogatory
2923 Borrowed Servant/Dual Employee
2924 Status as Defendant's Employee—Subservant Company
2925 Status of Defendant as Common Carrier
2926 Scope of Employment

CALIFORNIA JURY INSTRUCTIONS

Inst. No.

- 2927–2939 Reserved for Future Use
- 2940 Income Tax Effects of Award
- 2941 Introduction to Damages for Personal Injury
- 2942 Damages for Death of Employee
- 2943–2999 Reserved for Future Use
- VF-2900 FELA—Negligence—Plaintiff's Negligence at Issue
- VF-2901 Federal Safety Appliance Act or Boiler Inspection Act
- VF-2902–VF-2999 Reserved for Future Use

CIVIL RIGHTS

- 3000 Violation of Federal Civil Rights—In General—Essential Factual Elements (42 U.S.C. § 1983)
- 3001 Local Government Liability—Policy or Custom—Essential Factual Elements (42 U.S.C. § 1983)
- 3002 “Official Policy or Custom” Explained (42 U.S.C. § 1983)
- 3003 Local Government Liability—Failure to Train—Essential Factual Elements (42 U.S.C. § 1983)
- 3004 Local Government Liability—Act or Ratification by Official With Final Policymaking Authority—Essential Factual Elements (42 U.S.C. § 1983)
- 3005 Supervisor Liability for Acts of Subordinates (42 U.S.C. § 1983)
- 3006–3014 Reserved for Future Use
- 3015 Reserved for Future Use
- 3016–3019 Reserved for Future Use
- 3020 Excessive Use of Force—Unreasonable Arrest or Other Seizure—Essential Factual Elements (42 U.S.C. § 1983)
- 3021 Unlawful Arrest by Peace Officer Without a Warrant—Essential Factual Elements (42 U.S.C. § 1983)
- 3022 Unreasonable Search—Search With a Warrant—Essential Factual Elements (42 U.S.C. § 1983)
- 3023 Unreasonable Search or Seizure—Search or Seizure Without a Warrant—Essential Factual Elements (42 U.S.C. § 1983)
- 3024 Affirmative Defense—Search Incident to Lawful Arrest
- 3025 Affirmative Defense—Consent to Search
- 3026 Affirmative Defense—Exigent Circumstances
- 3027 Affirmative Defense—Emergency
- 3028–3039 Reserved for Future Use
- 3040 Violation of Prisoner's Federal Civil Rights—Eighth Amendment—Substantial Risk of Serious Harm (42 U.S.C. § 1983)
- 3041 Violation of Prisoner's Federal Civil Rights—Eighth Amendment—Medical Care (42 U.S.C. § 1983)
- 3042 Violation of Prisoner's Federal Civil Rights—Eighth Amendment—Excessive Force (42 U.S.C. § 1983)
- 3043 Violation of Prisoner's Federal Civil Rights—Eighth Amendment—Deprivation of Necessities (42 U.S.C. § 1983)
- 3044–3045 Reserved for Future Use
- 3046 Violation of Pretrial Detainee's Federal Civil Rights—Fourteenth Amendment—Medical Care and Conditions of Confinement (42 U.S.C. § 1983)
- 3047–3049 Reserved for Future Use
- 3050 Retaliation—Essential Factual Elements (42 U.S.C. § 1983)
- 3051 Unlawful Removal of Child From Parental Custody Without a Warrant—Essential Factual Elements (42 U.S.C. § 1983)

TABLE OF INSTRUCTIONS

Inst. No.	
3052	Use of Fabricated Evidence—Essential Factual Elements (42 U.S.C. § 1983)
3053	Retaliation for Exercise of Free Speech Rights—Public Employee—Essential Factual Elements (42 U.S.C. § 1983)
3054	Reserved for Future Use
3055	Rebuttal of Retaliatory Motive
3056–3059	Reserved for Future Use
3060	Unruh Civil Rights Act—Essential Factual Elements (Civ. Code, §§ 51, 52)
3061	Discrimination in Business Dealings—Essential Factual Elements (Civ. Code, § 51.5)
3062	Gender Price Discrimination—Essential Factual Elements (Civ. Code, § 51.6)
3063	Acts of Violence—Ralph Act—Essential Factual Elements (Civ. Code, § 51.7)
3064	Threats of Violence—Ralph Act—Essential Factual Elements (Civ. Code, § 51.7)
3065	Sexual Harassment in Defined Relationship—Essential Factual Elements (Civ. Code, § 51.9)
3066	Bane Act—Essential Factual Elements (Civ. Code, § 52.1)
3067	Unruh Civil Rights Act—Damages (Civ. Code, §§ 51, 52(a))
3068	Ralph Act—Damages and Penalty (Civ. Code, §§ 51.7, 52(b))
3069	Harassment in Educational Institution (Ed. Code, § 220)
3070	Disability Discrimination—Access Barriers to Public Facility—Construction-Related Accessibility Standards Act—Essential Factual Elements (Civ. Code, §§ 54.3, 55.56)
3071	Retaliation for Refusing to Authorize Disclosure of Medical Information—Essential Factual Elements (Civ. Code, § 56.20(b))
3072–3099	Reserved for Future Use
VF-3000	Violation of Federal Civil Rights—In General (42 U.S.C. § 1983)
VF-3001	Public Entity Liability (42 U.S.C. § 1983)
VF-3002	Public Entity Liability—Failure to Train (42 U.S.C. § 1983)
VF-3003–VF-3009	Reserved for Future Use
VF-3010	Excessive Use of Force—Unreasonable Arrest or Other Seizure (42 U.S.C. § 1983)
VF-3011	Unreasonable Search—Search With a Warrant (42 U.S.C. § 1983)
VF-3012	Unreasonable Search or Seizure—Search or Seizure Without a Warrant (42 U.S.C. § 1983)
VF-3013	Unreasonable Search—Search Without a Warrant—Affirmative Defense—Search Incident to Lawful Arrest (42 U.S.C. § 1983)
VF-3014–VF-3019	Reserved for Future Use
VF-3020	Violation of Prisoner's Federal Civil Rights—Eighth Amendment—Excessive Force (42 U.S.C. § 1983)
VF-3021	Violation of Prisoner's Federal Civil Rights—Eighth Amendment—Substantial Risk of Serious Harm (42 U.S.C. § 1983)
VF-3022	Violation of Prisoner's Federal Civil Rights—Eighth Amendment—Medical Care (42 U.S.C. § 1983)
VF-3023	Violation of Prisoner's Federal Civil Rights—Eighth Amendment—Deprivation of Necessities
VF-3024–VF-3029	Reserved for Future Use
VF-3030	Unruh Civil Rights Act (Civ. Code, §§ 51, 52(a))
VF-3031	Discrimination in Business Dealings (Civ. Code, §§ 51.5, 52(a))
VF-3032	Gender Price Discrimination (Civ. Code, § 51.6)
VF-3033	Ralph Act (Civ. Code, § 51.7)
VF-3034	Sexual Harassment in Defined Relationship (Civ. Code, § 51.9)
VF-3035	Bane Act (Civ. Code, § 52.1)
VF-3036–VF-3099	Reserved for Future Use

CALIFORNIA JURY INSTRUCTIONS

Inst. No.

ELDER ABUSE AND DEPENDENT ADULT CIVIL PROTECTION ACT

3100 Financial Abuse—Essential Factual Elements (Welf. & Inst. Code, § 15610.30)
3101 Financial Abuse—Decedent’s Pain and Suffering (Welf. & Inst. Code, § 15657.5)
3102 Reserved for Future Use
3102A Employer Liability for Enhanced Remedies—Both Individual and Employer Defendants (Welf. & Inst. Code, §§ 15657, 15657.05; Civ. Code, § 3294(b))
3102B Employer Liability for Enhanced Remedies—Employer Defendant Only (Welf. & Inst. Code, §§ 15657, 15657.05; Civ. Code, § 3294(b))
3103 Neglect—Essential Factual Elements (Welf. & Inst. Code, § 15610.57)
3104 Neglect—Enhanced Remedies Sought (Welf. & Inst. Code, § 15657)
3105 Reserved for Future Use
3106 Physical Abuse—Essential Factual Elements (Welf. & Inst. Code, § 15610.63)
3107 Physical Abuse—Enhanced Remedies Sought (Welf. & Inst. Code, § 15657)
3108 Reserved for Future Use
3109 Abduction—Essential Factual Elements (Welf. & Inst. Code, § 15610.06)
3110 Abduction—Enhanced Remedies Sought (Welf. & Inst. Code, § 15657.05)
3111 Reserved for Future Use
3112 “Dependent Adult” Explained (Welf. & Inst. Code, § 15610.23)
3113 “Recklessness” Explained
3114 “Malice” Explained
3115 “Oppression” Explained
3116 “Fraud” Explained
3117 Financial Abuse—“Undue Influence” Explained
3118–3199 Reserved for Future Use
VF-3100 Financial Abuse—Individual or Individual and Employer Defendants (Welf. & Inst. Code, §§ 15610.30, 15657.5(b))
VF-3101 Financial Abuse—Employer Defendant Only (Welf. & Inst. Code, §§ 15610.30, 15657.5(b))
VF-3102 Neglect—Individual or Individual and Employer Defendants (Welf. & Inst. Code, §§ 15610.57, 15657; Civ. Code, § 3294(b))
VF-3103 Neglect—Employer Defendant Only (Welf. & Inst. Code, §§ 15610.57, 15657; Civ. Code, § 3294(b))
VF-3104 Physical Abuse—Individual or Individual and Employer Defendants (Welf. & Inst. Code, §§ 15610.63, 15657; Civ. Code, § 3294(b))
VF-3105 Physical Abuse—Employer Defendant Only (Welf. & Inst. Code, §§ 15610.63, 15657; Civ. Code, § 3294(b))
VF-3106 Abduction—Individual or Individual and Employer Defendants (Welf. & Inst. Code, §§ 15610.06, 15657.05; Civ. Code, § 3294(b))
VF-3107 Abduction—Employer Defendant Only (Welf. & Inst. Code, §§ 15610.06, 15657.05; Civ. Code, § 3294(b))
VF-3108–VF-3199 Reserved for Future Use

Table A Elder Abuse: Causes of Action, Remedies, and Employer Liability

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))

TABLE OF INSTRUCTIONS

Inst. No.

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

3202 “Repair Opportunities” Explained

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

3204 “Substantially Impaired” Explained

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

3206 Breach of Disclosure Obligations—Essential Factual Elements

3207–3209 Reserved for Future Use

3210 Breach of Implied Warranty of Merchantability—Essential Factual Elements

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

3212 Duration of Implied Warranty

3213–3219 Reserved for Future Use

3220 Affirmative Defense—Unauthorized or Unreasonable Use

3221 Affirmative Defense—Disclaimer of Implied Warranties

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

3223–3229 Reserved for Future Use

3230 Continued Reasonable Use Permitted

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

3232–3239 Reserved for Future Use

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

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

3242 Incidental Damages

3243 Consequential Damages

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

3245–3299 Reserved for Future Use

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

VF-3201 Consequential Damages

VF-3202 Failure to Repurchase or Replace Consumer Good After Reasonable Number of Repair Opportunities—Affirmative Defense—Unauthorized or Unreasonable Use (Civ. Code, § 1793.2(d))

VF-3203 Breach of Express Warranty—New Motor Vehicle—Civil Penalty Sought

VF-3204 Breach of Implied Warranty of Merchantability

VF-3205 Breach of Implied Warranty of Merchantability—Affirmative Defense—Disclaimer of Implied Warranties

VF-3206 Breach of Disclosure Obligations

VF-3207–VF-3299 Reserved for Future Use

UNFAIR PRACTICES ACT

3300 Locality Discrimination—Essential Factual Elements

3301 Below Cost Sales—Essential Factual Elements

3302 Loss Leader Sales—Essential Factual Elements

3303 Definition of “Cost”

3304 Presumptions Concerning Costs—Manufacturer

3305 Presumptions Concerning Costs—Distributor

CALIFORNIA JURY INSTRUCTIONS

Inst. No.

3306 Methods of Allocating Costs to an Individual Product
3307–3319 Reserved for Future Use
3320 Secret Rebates—Essential Factual Elements
3321 Secret Rebates—Definition of “Secret”
3322–3329 Reserved for Future Use
3330 Affirmative Defense to Locality Discrimination Claim—Cost Justification
3331 Affirmative Defense to Locality Discrimination, Below Cost Sales, and Loss Leader Sales Claims—Closed-out, Discontinued, Damaged, or Perishable Items
3332 Affirmative Defense to Locality Discrimination, Below Cost Sales, Loss Leader Sales, and Secret Rebates—Functional Classifications
3333 Affirmative Defense to Locality Discrimination, Below Cost Sales, and Loss Leader Sales Claims—Meeting Competition
3334 Affirmative Defense to Locality Discrimination Claim—Manufacturer Meeting Downstream Competition
3335 Affirmative Defense—“Good Faith” Explained
3336–3399 Reserved for Future Use
VF-3300 Locality Discrimination
VF-3301 Locality Discrimination Claim—Affirmative Defense—Cost Justification
VF-3302 Below Cost Sales
VF-3303 Below Cost Sales Claim—Affirmative Defense—Closed-out, Discontinued, Damaged, or Perishable Items
VF-3304 Loss Leader Sales
VF-3305 Loss Leader Sales Claim—Affirmative Defense—Meeting Competition
VF-3306 Secret Rebates
VF-3307 Secret Rebates Claim—Affirmative Defense—Functional Classifications
VF-3308–VF-3339 Reserved for Future Use

CARTWRIGHT ACT

3400 Horizontal and Vertical Restraints (Use for Direct Competitors)—Price Fixing—Essential Factual Elements
3401 Horizontal Restraints (Use for Direct Competitors)—Allocation of Trade or Commerce—Essential Factual Elements
3402 Horizontal Restraints—Dual Distributor Restraints—Essential Factual Elements
3403 Horizontal Restraints (Use for Direct Competitors)—Group Boycott—Per Se Violation—Essential Factual Elements
3404 Horizontal Restraints—Group Boycott—Rule of Reason—Essential Factual Elements
3405 Horizontal and Vertical Restraints (Use for Direct Competitors or Supplier/Reseller Relations)—Other Unreasonable Restraint of Trade—Rule of Reason—Essential Factual Elements
3406 Horizontal and Vertical Restraints—“Agreement” Explained
3407 Horizontal and Vertical Restraints—Agreement Between Company and Its Employee
3408 Vertical Restraints—“Coercion” Explained
3409 Vertical Restraints—Termination of Reseller
3410 Vertical Restraints—Agreement Between Seller and Reseller’s Competitor
3411 Rule of Reason—Anticompetitive Versus Beneficial Effects
3412 Rule of Reason—“Market Power” Explained
3413 Rule of Reason—“Product Market” Explained

TABLE OF INSTRUCTIONS

Inst. No.

3414 Rule of Reason—“Geographic Market” Explained
3415–3419 Reserved for Future Use
3420 Tying—Real Estate, Products, or Services—Essential Factual Elements (Bus. & Prof. Code, § 16720)
3421 Tying—Products or Services—Essential Factual Elements (Bus. & Prof. Code, § 16727)
3422 Tying—“Separate Products” Explained
3423 Tying—“Economic Power” Explained
3424–3429 Reserved for Future Use
3430 “Noerr-Pennington” Doctrine
3431 Affirmative Defense—*In Pari Delicto*
3432–3439 Reserved for Future Use
3440 Damages
3441–3499 Reserved for Future Use
VF-3400 Horizontal and Vertical Restraints (Use for Direct Competitors)—Price Fixing
VF-3401 Horizontal Restraints (Use for Direct Competitors)—Allocation of Trade or Commerce
VF-3402 Horizontal Restraints (Use for Direct Competitors)—Allocation of Trade or Commerce—Affirmative Defense—*In Pari Delicto*
VF-3403 Horizontal Restraints—Dual Distributor Restraints
VF-3404 Horizontal Restraints (Use for Direct Competitors)—Group Boycott—Per Se Violation
VF-3405 Horizontal Restraints—Group Boycott—Rule of Reason
VF-3406 Horizontal and Vertical Restraints (Use for Direct Competitors or Supplier/Reseller Relations)—Other Unreasonable Restraint of Trade—Rule of Reason
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
VF-3408 Tying—Real Estate, Products, or Services (Bus. & Prof. Code, § 16720)
VF-3409 Tying—Products or Services (Bus. & Prof. Code, § 16727)
VF-3410–VF-3499 Reserved for Future Use

EMINENT DOMAIN

3500 Introductory Instruction
3501 “Fair Market Value” Explained
3502 “Highest and Best Use” Explained
3503 Change in Zoning or Land Use Restriction
3504 Project Enhanced Value
3505 Information Discovered After Date of Valuation
3506 Effect of Improvements
3507 Personal Property and Inventory
3508 Bonus Value of Leasehold Interest
3509A Precondemnation Damages—Unreasonable Delay (*Klopping* Damages)
3509B Precondemnation Damages—Public Entity’s Authorized Entry to Investigate Property’s Suitability (Code Civ. Proc., § 1245.060)
3510 Value of Easement
3511A Severance Damages to Remainder (Code Civ. Proc., §§ 1263.410, 1263.420(a))
3511B Damage to Remainder During Construction (Code Civ. Proc., § 1263.420(b))
3512 Severance Damages—Offset for Benefits
3513 Goodwill

CALIFORNIA JURY INSTRUCTIONS

Inst. No.

- 3514 Burden of Proof
- 3515 Valuation Testimony
- 3516 View
- 3517 Comparable Sales (Evid. Code, § 816)
- 3518–3599 Reserved for Future Use
- VF-3500 Fair Market Value Plus Goodwill
- VF-3501 Fair Market Value Plus Severance Damages
- VF-3502 Fair Market Value Plus Loss of Inventory/Personal Property
- VF-3503–VF-3599 Reserved for Future Use

CONSPIRACY

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

VICARIOUS RESPONSIBILITY

- 3700 Introduction to Vicarious Responsibility
- 3701 Tort Liability Asserted Against Principal—Essential Factual Elements
- 3702 Affirmative Defense—Comparative Fault of Plaintiff's Agent
- 3703 Legal Relationship Not Disputed
- 3704 Existence of "Employee" Status Disputed
- 3705 Existence of "Agency" Relationship Disputed
- 3706 Special Employment—Lending Employer Denies Responsibility for Worker's Acts
- 3707 Special Employment—Joint Responsibility
- 3708 Peculiar-Risk Doctrine
- 3709 Ostensible Agent
- 3710 Ratification
- 3711 Partnerships
- 3712 Joint Ventures
- 3713 Nondelegable Duty
- 3714 Ostensible Agency—Physician-Hospital Relationship—Essential Factual Elements
- 3715–3719 Reserved for Future Use
- 3720 Scope of Employment
- 3721 Scope of Employment—Peace Officer's Misuse of Authority
- 3722 Scope of Employment—Unauthorized Acts
- 3723 Substantial Deviation
- 3724 Social or Recreational Activities
- 3725 Going-and-Coming Rule—Vehicle-Use Exception
- 3726 Going-and-Coming Rule—Business-Errand Exception
- 3727 Going-and-Coming Rule—Compensated Travel Time Exception
- 3728–3799 Reserved for Future Use
- VF-3700 Negligence—Vicarious Liability
- VF-3701–VF-3799 Reserved for Future Use

TABLE OF INSTRUCTIONS

Inst. No.

EQUITABLE INDEMNITY

3800 Comparative Fault Between and Among Tortfeasors
3801 Implied Contractual Indemnity
3802–3899 Reserved for Future Use

DAMAGES

3900 Introduction to Tort Damages—Liability Contested
3901 Introduction to Tort Damages—Liability Established
3902 Economic and Noneconomic Damages
3903 Items of Economic Damage
3903A Medical Expenses—Past and Future (Economic Damage)
3903B Medical Monitoring—Toxic Exposure (Economic Damage)
3903C Past and Future Lost Earnings (Economic Damage)
3903D Lost Earning Capacity (Economic Damage)
3903E Loss of Ability to Provide Household Services (Economic Damage)
3903F Damage to Real Property (Economic Damage)
3903G Loss of Use of Real Property (Economic Damage)
3903H Damage to Annual Crop (Economic Damage)
3903I Damage to Perennial Crop (Economic Damage)
3903J Damage to Personal Property (Economic Damage)
3903K Loss or Destruction of Personal Property (Economic Damage)
3903L Damage to Personal Property Having Special Value (Civ. Code, § 3355) (Economic Damage)
3903M Loss of Use of Personal Property (Economic Damage)
3903N Lost Profits (Economic Damage)
3903O Injury to Pet—Costs of Treatment (Economic Damage)
3903P Damages From Employer for Wrongful Discharge (Economic Damage)
3904A Present Cash Value
3904B Use of Present-Value Tables
3905 Items of Noneconomic Damage
3905A Physical Pain, Mental Suffering, and Emotional Distress (Noneconomic Damage)
3906 Lost Earnings and Lost Earning Capacity—Jurors Not to Reduce Damages on Basis of Race, Ethnicity, or Gender (Economic Damage)
3907–3918 Reserved for Future Use
3919 Survival Damages (Code Civ. Proc, § 377.34)
3920 Loss of Consortium (Noneconomic Damage)
3921 Wrongful Death (Death of an Adult)
3922 Wrongful Death (Parents' Recovery for Death of a Minor Child)
3923 Public Entities—Collateral Source Payments (Gov. Code, § 985)
3924 No Punitive Damages
3925 Arguments of Counsel Not Evidence of Damages
3926 Settlement Deduction
3927 Aggravation of Preexisting Condition or Disability
3928 Unusually Susceptible Plaintiff
3929 Subsequent Medical Treatment or Aid
3930 Mitigation of Damages (Personal Injury)
3931 Mitigation of Damages (Property Damage)

CALIFORNIA JURY INSTRUCTIONS

Inst. No.

3932 Life Expectancy
3933 Damages From Multiple Defendants
3934 Damages on Multiple Legal Theories
3935 Prejudgment Interest (Civ. Code, § 3288)
3936–3939 Reserved for Future Use
3940 Punitive Damages—Individual Defendant—Trial Not Bifurcated
3941 Punitive Damages—Individual Defendant—Bifurcated Trial (First Phase)
3942 Punitive Damages—Individual Defendant—Bifurcated Trial (Second Phase)
3943 Punitive Damages Against Employer or Principal for Conduct of a Specific Agent or Employee—Trial Not Bifurcated
3944 Punitive Damages Against Employer or Principal for Conduct of a Specific Agent or Employee—Bifurcated Trial (First Phase)
3945 Punitive Damages—Entity Defendant—Trial Not Bifurcated
3946 Punitive Damages—Entity Defendant—Bifurcated Trial (First Phase)
3947 Punitive Damages—Individual and Entity Defendants—Trial Not Bifurcated
3948 Punitive Damages—Individual and Corporate Defendants (Corporate Liability Based on Acts of Named Individual)—Bifurcated Trial (First Phase)
3949 Punitive Damages—Individual and Corporate Defendants (Corporate Liability Based on Acts of Named Individual)—Bifurcated Trial (Second Phase)
3950–3959 Reserved for Future Use
3960 Comparative Fault of Plaintiff—General Verdict
3961 Duty to Mitigate Damages for Past Lost Earnings
3962 Duty to Mitigate Damages for Future Lost Earnings
3963 Affirmative Defense—Employee’s Duty to Mitigate Damages
3964 Jurors Not to Consider Attorney Fees and Court Costs
3965 No Deduction for Workers’ Compensation Benefits Paid
3966–3999 Reserved for Future Use
VF-3900 Punitive Damages
VF-3901 Punitive Damages Against Employer or Principal for Conduct of a Specific Agent or Employee
VF-3902 Punitive Damages—Entity Defendant
VF-3903 Punitive Damages—Entity Defendant—Ratification
VF-3904 Punitive Damages—Entity Defendant—Authorization
VF-3905 Damages for Wrongful Death (Death of an Adult)
VF-3906 Damages for Wrongful Death (Parents’ Recovery for Death of a Minor Child)
VF-3907 Damages for Loss of Consortium (Noneconomic Damage)
VF-3908–VF-3919 Reserved for Future Use
VF-3920 Damages on Multiple Legal Theories
VF-3921–VF-3999 Reserved for Future Use
Table A Life Expectancy Table—Male
Table B Life Expectancy Table—Female

LANTERMAN-PETRIS-SHORT ACT

4000 Conservatorship—Essential Factual Elements
4001 Reserved for Future Use
4002 “Gravely Disabled” Explained
4003 “Gravely Disabled” Minor Explained (Revoked)
4004 Issues Not to Be Considered—Type of Treatment, Care, or Supervision

TABLE OF INSTRUCTIONS

Inst. No.

4005 Obligation to Prove—Reasonable Doubt
4006 Sufficiency of Indirect Circumstantial Evidence
4007 Third Party Assistance
4008 Third Party Assistance to Minor
4009 Physical Restraint
4010 Limiting Instruction—Expert Testimony (Revoked)
4011 History of Disorder Relevant to the Determination of Grave Disability
4012 Concluding Instruction
4013 Disqualification From Voting
4014–4099 Reserved for Future Use
VF-4000 Conservatorship—Verdict Form
VF-4001–VF-4099 Reserved for Future Use

BREACH OF FIDUCIARY DUTY

4100 “Fiduciary Duty” Explained
4101 Failure to Use Reasonable Care—Essential Factual Elements
4102 Duty of Undivided Loyalty—Essential Factual Elements
4103 Duty of Confidentiality—Essential Factual Elements
4104 Duties of Escrow Holder
4105 Duties of Stockbroker—Speculative Securities
4106A Intentional or Fraudulent Breach of Fiduciary Duty by Attorney—Essential Factual Elements
4106B Negligent Breach of Fiduciary Duty by Attorney—Essential Factual Elements
4107 Duty of Disclosure by Real Estate Broker to Client
4108 Failure of Seller’s Real Estate Broker to Conduct Reasonable Inspection—Essential Factual Elements (Civ. Code, § 2079)
4109 Duty of Disclosure by Seller’s Real Estate Broker to Buyer
4110 Breach of Duty by Real Estate Seller’s Agent—Inaccurate Information in Multiple Listing Service—Essential Factual Elements (Civ. Code, § 1088)
4111 Constructive Fraud (Civ. Code, § 1573)
4112–4119 Reserved for Future Use
4120 Affirmative Defense—Statute of Limitations
4121–4199 Reserved for Future Use

UNIFORM VOIDABLE TRANSACTIONS ACT

4200 Actual Intent to Hinder, Delay, or Defraud a Creditor—Essential Factual Elements (Civ. Code, § 3439.04(a)(1))
4201 Factors to Consider in Determining Actual Intent to Hinder, Delay, or Defraud (Civ. Code, § 3439.04(b))
4202 Constructive Fraudulent Transfer—No Reasonably Equivalent Value Received—Essential Factual Elements (Civ. Code, § 3439.04(a)(2))
4203 Constructive Fraudulent Transfer—Insolvency—Essential Factual Elements (Civ. Code, § 3439.05)
4204 “Transfer” Explained
4205 “Insolvency” Explained
4206 Presumption of Insolvency
4207 Affirmative Defense—Good Faith (Civ. Code, § 3439.08(a), (f)(1))
4208 Affirmative Defense—Statute of Limitations—Actual and Constructive Fraud (Civ. Code, § 3439.09(a), (b))

CALIFORNIA JURY INSTRUCTIONS

Inst. No.

4209–4299 Reserved for Future Use
VF-4200 Actual Intent to Hinder, Delay, or Defraud Creditor—Affirmative Defense—Good Faith
VF-4201 Constructive Fraudulent Transfer—No Reasonably Equivalent Value Received
VF-4202 Constructive Fraudulent Transfer—Insolvency
VF-4203–VF-4299 Reserved for Future Use

UNLAWFUL DETAINER AND OTHER LANDLORD-TENANT CLAIMS

4300 Introductory Instruction
4301 Expiration of Fixed-Term Tenancy—Essential Factual Elements
4302 Termination for Failure to Pay Rent—Essential Factual Elements
4303 Sufficiency and Service of Notice of Termination for Failure to Pay Rent
4304 Termination for Violation of Terms of Lease/Agreement—Essential Factual Elements
4305 Sufficiency and Service of Notice of Termination for Violation of Terms of Agreement
4306 Termination of Month-to-Month Tenancy—Essential Factual Elements
4307 Sufficiency and Service of Notice of Termination of Month-to-Month Tenancy
4308 Termination for Nuisance or Unlawful Use—Essential Factual Elements (Code Civ. Proc., § 1161(4))
4309 Sufficiency and Service of Notice of Termination for Nuisance or Unlawful Use
4310–4319 Reserved for Future Use
4320 Affirmative Defense—Implied Warranty of Habitability
4321 Affirmative Defense—Retaliatory Eviction—Tenant's Complaint (Civ. Code, § 1942.5)
4322 Affirmative Defense—Retaliatory Eviction—Engaging in Legally Protected Activity (Civ. Code, § 1942.5(d))
4323 Affirmative Defense—Discriminatory Eviction (Unruh Act)
4324 Affirmative Defense—Waiver by Acceptance of Rent
4325 Affirmative Defense—Failure to Comply With Rent Control Ordinance/Tenant Protection Act
4326 Affirmative Defense—Repair and Deduct
4327 Affirmative Defense—Landlord's Refusal of Rent
4328 Affirmative Defense—Victim of Abuse or Violence (Code Civ. Proc., § 1161.3)
4329 Affirmative Defense—Failure to Provide Reasonable Accommodation
4330 Denial of Requested Accommodation
4331–4339 Reserved for Future Use
4340 Damages for Reasonable Rental Value
4341 Statutory Damages on Showing of Malice (Code Civ. Proc., § 1174(b))
4342 Reduced Rent for Breach of Habitability
4343–4349 Reserved for Future Use
4350 Breach of Implied Warranty of Habitability—Essential Factual Elements
4351–4399 Reserved for Future Use
VF-4300 Termination Due to Failure to Pay Rent
VF-4301 Termination Due to Failure to Pay Rent—Affirmative Defense—Breach of Implied Warranty of Habitability
VF-4302 Termination Due to Violation of Terms of Lease/Agreement
VF-4328 Affirmative Defense—Victim of Abuse or Violence

TRADE SECRETS

4400 Misappropriation of Trade Secrets—Introduction
4401 Misappropriation of Trade Secrets—Essential Factual Elements

TABLE OF INSTRUCTIONS

Inst. No.	
4402	“Trade Secret” Defined
4403	Secrecy Requirement
4404	Reasonable Efforts to Protect Secrecy
4405	Misappropriation by Acquisition
4406	Misappropriation by Disclosure
4407	Misappropriation by Use
4408	Improper Means of Acquiring Trade Secret
4409	Remedies for Misappropriation of Trade Secret
4410	Unjust Enrichment
4411	Punitive Damages for Willful and Malicious Misappropriation
4412	“Independent Economic Value” Explained
4413–4419	Reserved for Future Use
4420	Affirmative Defense—Information Was Readily Ascertainable by Proper Means
4421	Affirmative Defense—Statute of Limitations—Three-Year Limit (Civ. Code, § 3426.6)
4422–4499	Reserved for Future Use
VF-4400	Misappropriation of Trade Secrets

CONSTRUCTION LAW

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

CALIFORNIA JURY INSTRUCTIONS

Inst. No.

4545–4549 Reserved for Future Use

4550 Affirmative Defense—Statute of Limitations—Patent Construction Defect (Code Civ. Proc., § 337.1)

4551 Affirmative Defense—Statute of Limitations—Latent Construction Defect (Code Civ. Proc., § 337.15)

4552 Affirmative Defense—Work Completed and Accepted—Patent Defect

4560 Recovery of Payments to Unlicensed Contractor—Essential Factual Elements (Bus. & Prof. Code, § 7031(b))

4561 Damages—All Payments Made to Unlicensed Contractor

4562 Payment for Construction Services Rendered—Essential Factual Elements (Bus. & Prof. Code, § 7031(a), (e))

4570 Right to Repair Act—Construction Defects—Essential Factual Elements (Civ. Code, § 896)

4571 Right to Repair Act—Damages (Civ. Code, § 944)

4572 Right to Repair Act—Affirmative Defense—Act of Nature (Civ. Code, § 945.5(a))

4573 Right to Repair Act—Affirmative Defense—Unreasonable Failure to Minimize or Prevent Damage (Civ. Code, § 945.5(b))

4574 Right to Repair Act—Affirmative Defense—Plaintiff’s Subsequent Acts or Omissions (Civ. Code, § 945.5(d))

4575 Right to Repair Act—Affirmative Defense—Failure to Follow Recommendations or to Maintain (Civ. Code, § 945.5(c))

VF-4500 Owner’s Failure to Disclose Important Information Regarding Construction Project

VF-4510 Breach of Implied Covenant to Perform Work in a Good and Competent Manner—Affirmative Defense—Contractor Followed Plans and Specifications

VF-4520 Contractor’s Claim for Changed or Extra Work—Owner’s Response That Contract Procedures Not Followed—Contractor’s Claim of Waiver

WHISTLEBLOWER PROTECTION

4600 False Claims Act: Whistleblower Protection—Essential Factual Elements (Gov. Code, § 12653)

4601 Protected Disclosure by State Employee—California Whistleblower Protection Act—Essential Factual Elements (Gov. Code, § 8547.8(c))

4602 Affirmative Defense—Same Decision (Gov. Code, § 8547.8(e))

4603 Whistleblower Protection—Essential Factual Elements (Lab. Code, § 1102.5)

4604 Affirmative Defense—Same Decision (Lab. Code, § 1102.6)

4605 Whistleblower Protection—Health or Safety Complaint—Essential Factual Elements (Lab. Code, § 6310)

4606 Whistleblower Protection—Unsafe Patient Care and Conditions—Essential Factual Elements (Health & Saf. Code, § 1278.5) (Revoked)

VF-4600 False Claims Act: Whistleblower Protection (Gov. Code, § 12653)

VF-4601 Protected Disclosure by State Employee—California Whistleblower Protection Act—Affirmative Defense—Same Decision (Gov. Code, § 8547.8(c))

VF-4602 Whistleblower Protection—Affirmative Defense of Same Decision (Lab. Code, §§ 1102.5, 1102.6)

CONSUMERS LEGAL REMEDIES ACT

4700 Consumers Legal Remedies Act—Essential Factual Elements (Civ. Code, § 1770)

4701 Consumers Legal Remedies Act—Notice Requirement for Damages (Civ. Code, § 1782)

4702 Consumers Legal Remedies Act—Statutory Damages—Senior or Person With a Disability (Civ. Code, § 1780(b))

4703–4709 Reserved for Future Use

TABLE OF INSTRUCTIONS

Inst. No.

4710 Consumers Legal Remedies Act—Affirmative Defense—Bona Fide Error and Correction (Civ. Code, § 1784)
4711–4799 Reserved for Future Use

CALIFORNIA FALSE CLAIMS ACT

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

REAL PROPERTY LAW

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

CONCLUDING INSTRUCTIONS

5000 Duties of the Judge and Jury
5001 Insurance
5002 Evidence
5003 Witnesses
5004 Service Provider for Juror With Disability
5005 Multiple Parties
5006 Nonperson Party
5007 Removal of Claims or Parties and Remaining Claims and Parties
5008 Duty to Abide by Translation Provided in Court
5009 Predeliberation Instructions
5010 Taking Notes During the Trial
5011 Reading Back of Trial Testimony in Jury Room
5012 Introduction to Special Verdict Form
5013 Deadlocked Jury Admonition
5014 Substitution of Alternate Juror
5015 Instruction to Alternate Jurors on Submission of Case to Jury
5016 Judge's Commenting on Evidence
5017 Polling the Jury
5018 Audio or Video Recording and Transcription
5019 Questions From Jurors
5020 Demonstrative Evidence
5021 Electronic Evidence
5022 Introduction to General Verdict Form
5023–5029 Reserved for Future Use
5030 Implicit or Unconscious Bias
5031–5089 Reserved for Future Use

CALIFORNIA JURY INSTRUCTIONS

Inst. No.

5090 Final Instruction on Discharge of Jury

5091-5099 Reserved for Future Use

VF-5000 General Verdict Form—Single Plaintiff—Single Defendant—Single Cause of Action

VF-5001 General Verdict Form—Single Plaintiff—Single Defendant—Multiple Causes of Action

VF-5002-VF-5099 Reserved for Future Use