California Eviction Defense: Protecting Low-Income Tenants 2017

Co-Chairs Madeline S. Howard Jith Meganathan

Practising Law Institute 1177 Avenue of the Americas New York, New York 10036 8

Sample Joint Jury Instructions— General & Special

Lorraine López Inner City Law Center

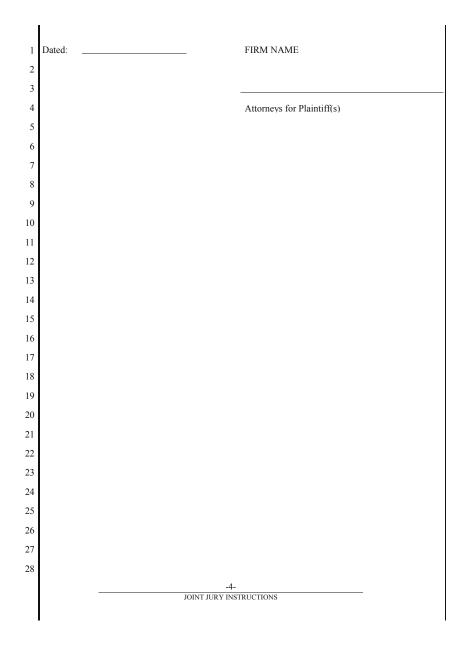
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1	INNER CITY LAW CENTER/SHRIVER HOUSIN 1309 E. 7 th Street	IG PROJECT-LA		
2	Los Angeles, CA 90021			
3	Telephone: (213) 891-2880 Facsimile: (213) 891-2888			
4	Attorneys for Defendant, DEFENDANT			
5 6	OPPOSING COUNSEL [SBN:] FIRM NAME ADDRESS			
7				
8	Telephone: Facsimile: Attorney for Plaintiff(s), NAME			
9	SUPERIOR COURT OF TH	E STATE OF CALIFORNIA		
10	COUNTY OF LOS ANGEL	ES CENTRAL DISTRICT		
11				
12	PLAINTIFF,	Case No. 15UXXXXX		
13	Plaintiff,	[PROPOSED] JOINT JURY INSTRUCTIONS – GENERAL & SPECIAL		
14	vs.	DATE:		
15	DEFENDANT; DOES 1 to 10, Inclusive,) TIME:) DEPT:		
16	Defendant.	Hon. Judge Presiding		
17		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		
18				
19	TO THE COURT, ALL PARTIES, AND THEIF	ATTORNEYS OF RECORD:		
20	PLEASE TAKE NOTICE THAT, pursuant to Rule	2.1055 of the California Rules of Court and		
21	Section 607a of the Code of Civil Procedure, the P.	ARTIES JOINTLY requests this Court to give the		
22		x C		
23	CACI jury instructions provided below, as well as any special jury instructions that may later be			
24	requested.			
25	///			
26	///			
27				
28				
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	JOINT JURY INST	RUCTIONS		

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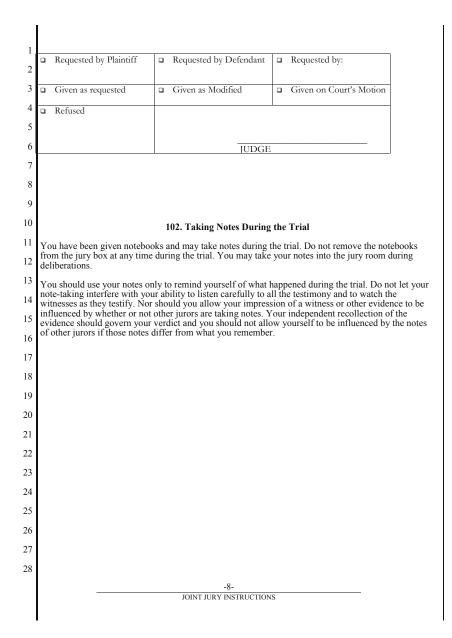
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Dated:			IN	INER CITY L	AW CENTER	£
			—			
			A	tornevs for D	efendant(s).	
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		JOINT J	URY INSTRU	CTIONS		-



1	 Requested by Plaintiff 	 Requested by Defendant 	□ Requested by:		
2	Given as requested	Given as Modified	Given on Court's Motion		
3	 Refused 				
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5		IUDGE	,		
6		UDGE			
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10		100. Preliminary Admo	onitions		
11			npress on you the seriousness and		
12	right to a jury that is selected	fairly, that comes to the case v	tal right in California. The parties have a vithout bias, and that will attempt to reach		
13	yourselves during the trial.	e presented. Before we begin,	, I need to explain how you must conduct		
14	Do not allow anything that happens outside this courtroom to affect your decision. During the trial do				
15	in your nousenoid, iriends and co-workers, spiritual leaders, advisors, or inerapists. You may say you				
16		er I tell you that it is time for yo	You must not even talk about the case ou to decide the case.		
17			. It also extends to all forms of electronic		
18	PDA, computer, the Internet,	any Internet service, any text of	n, such as a cell phone or smart phone, or instant messaging service, any Internet ebsites or online diaries, to send or receive		
19	any information to or from an	yone about this case or your e	xperience as a juror until after you have		
20	been discharged from your ju		ports about this case. I have no		
21	information that there will be	news reports concerning this d	case. This prohibition extends to the use		
22	of the Internet in any way, including reading any blog about the case or about anyone involved with it. If you receive any information about this case from any source outside of the courtroom, promptly report it to the court attendant/bailiff. It is important that all jurors see and hear the same evidence at the same time.				
23					
24			use dictionaries, the Internet, or other		
25	reference materials. Do not investigate the case or conduct any experiments. Do not contact anyone to assist you, such as a family accountant, doctor, or lawyer. Do not visit or view the scene of any event				
26	to search for or to view any place discussed in testimony. If you happen to pass by the scene, do not stop or investigate. All jurges must see or hear the same evidence at the same time. If you do need to				
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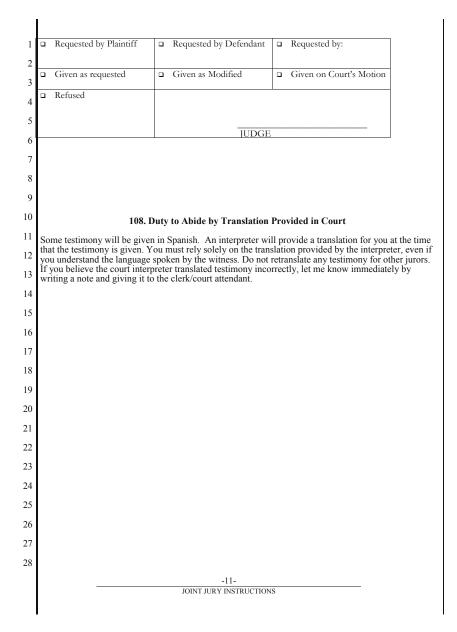
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9	If you violate any of these prohibitions on communications and research, including prohibitions on
10	electronic communications and research, you may be held in contempt of court or face other sanctions. That means that you may have to serve time in jail, pay a fine, or face other punishment for
11	that violation.
12	It is important that you keep an open mind throughout this trial. Evidence can only be presented a piece at a time. Do not form or express an opinion about this case while the trial is going on. You
13	must not decide on a verdict until after you have heard all the evidence and have discussed it thoroughly with your fellow jurors in your deliberations.
14	Do not concern yourselves with the reasons for the rulings I will make during the course of the trial.
15	Do not guess what I may think your verdict should be from anything I might say or do.
16	When it is time to begin your deliberations, you may discuss the case only in the jury room and only when all the jurors are present.
17 18	You must decide what the facts are in this case. And, I repeat, your verdict must be based only on the evidence that you hear or see in this courtroom. Do not let bias, sympathy, prejudice, or public opinion influence your verdict.
19	At the end of the trial, I will explain the law that you must follow to reach your verdict. You must
20	follow the law as I explain it to you, even if you do not agree with the law.
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	JOINT JURY INSTRUCTIONS

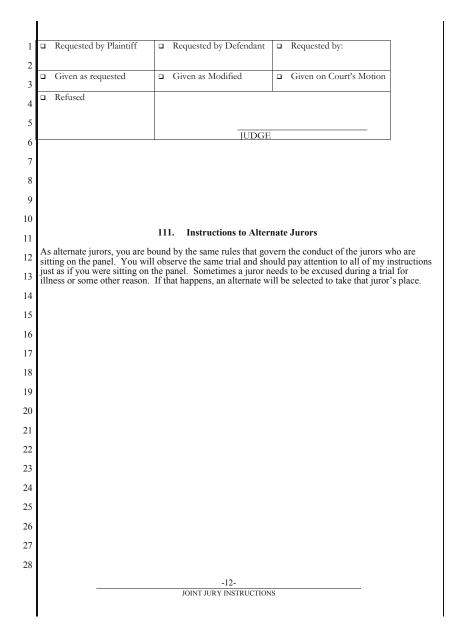
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4		Refused			
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6	-		JUDGE		
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10			101. Overview of Tr	ial	
11				ial will proceed. PLAINTIFF filed this	
12			ntiff. DEFENDANT is the Defend where he lives. Each plaintiff and of	dant. PLAINTIFF seeks to evict each defendant is called a party to the case.	
13	First, each side may make an opening statement, but neither side is required to do so. An opening statement is not				
14	evidence. It is simply an outline to help you understand what that party expects the evidence will show. Also, Because it is often difficult to give you the evidence in the order we would prefer, the opening statement allows				
15	you to keep an overview of the case in mind during the presentation of the evidence. You cannot use it to make any decisions in this case.				
16	Next, the jury will start hearing the evidence. PLAINTIFF will present its evidence first. When it is finished, DEFENDANT will have an opportunity to present his evidence.				
17					
18	Each witness will first be questioned by the side that asked the witness to testify. This is called direct examination. Then the other side is permitted to question the witness. This is called cross-examination.				
19				ts. Exhibits will be given a number or letter dence until I admit them into evidence. You	
20			ibits during your deliberations.	dence until i admit them into evidence. I ou	
21				dered evidence in the trial. As one side	
22	presents evidence, the other side has the right to object and to ask me to decide if the evidence is permitted by the rules. Usually, I will decide immediately, but sometimes I may have to hear arguments outside of your				
23	presence.				
24	wil	1 make closing arguments. W	hat the parties say in closing argu	w that applies to the case and the attorneys ment is not evidence. The arguments are	
25	off	ered to help you understand th	he evidence and how the law appl	ies to it.	
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			JOINT JURY INSTRUCTION	8	



1 2	 Requested by Plaintiff 	Requested by Defendant	• Requested by:			
3	Given as requested	Given as Modified	Given on Court's Motion			
4	Refused					
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10		106. Evidence				
11			tted into evidence. You must decide what			
12	evidence anything that you see	e or hear when court is not in s	uring the trial. You may not consider as session, even something done or said by			
13	one of the parties, attorneys,					
14	arguments, the attorneys will tark to you about the law and the evidence. What the lawyers say may					
15						
16	unik that something is the just because an attorney's question suggests that it is the. However, the					
17	attorneys for both sides can agree that certain facts are true. This agreement is called a stipulation. No other proof is needed and you must accept those facts as true in this trial.					
18	Each side has the right to object to evidence offered by the other side. If I do not agree with the objection, I will say it is overruled. If I overrule an objection, the witness will answer and you may					
19	consider the evidence. If I ag	ree with the objection, I will sa	y it is sustained. If I sustain an objection, you must not guess what he or she might			
20	have said or why I sustained has already answered, you mi	the objection. If the witness	, you must not guess what he of she might			
21	5	0	ny that you have heard. If I grant the			
22			t treat it as though it did not exist.			
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		JOINT JURY INSTRUCTION	S			

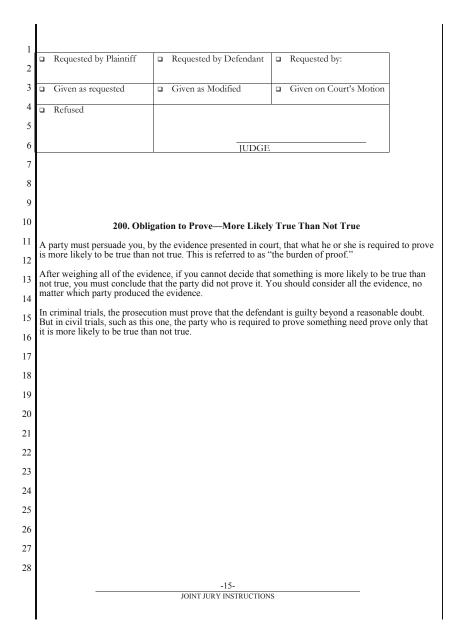
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10				107. Witnesses			
11						ou will have to decide whether you y is to the case. You may believe all	1.
12		t, or none of a witness's tes					.,
13 14	In deciding whether to believe a witness's testimony, you may consider, among other factors, the following:						
15	(a) How well did the witness see, hear, or otherwise sense what he or she described in court?						
16	(b) How well did the witness remember and describe what happened?						
17	(c) How did the witness look, act, and speak while testifying?						
18	(d) Did the witness have any reason to say something that was not true? Did the witness show any bias or prejudice? Did the witness have a personal relationship with any of the parties involved in the case? Does the witness have a personal stake in how this case is decided?						
19		What was the witness's att					
20	Ì,				0	ith something else he or she said.	
21	So	metimes different witnesses	s wi	Il give different versions of	f wh	hat happened. People often forget le may see the same event but	
22	ren		nay	consider these differences		t do not decide that testimony is	
23		5		2	ed u	intruthfully about something	
24	However, if you decide that a witness has deliberately testified untruthfully about something important, you may choose not to believe anything that witness said. On the other hand, if you think the witness testified untruthfully about come things but told the truth about others, you may account the						
25	the witness testified untruthfully about some things but told the truth about others, you may accept the part you think is true and ignore the rest.						
26		not make any decision simulation believe it is true, the testing				esses on one side than on the other. I	If
27	5	,		, ,	0	r race, sex, religion, occupation,	
28		cual orientation, or national		gin.		race, sex, rengion, occupation,	
				-10- JOINT JURY INSTRUCTION	s		

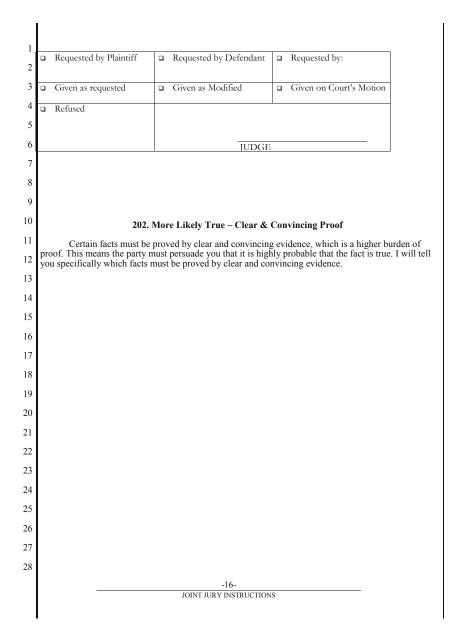




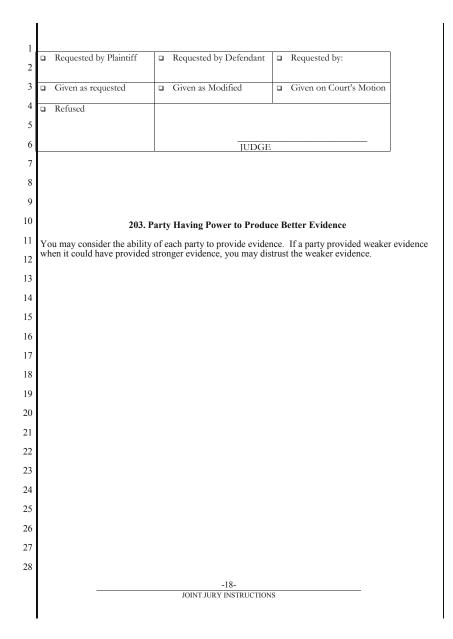
1		Requested by Plaintiff		Requested by Defendant		Requested by:	
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		Refused					
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5				JUDGE		· · · · · · · · · · · · · · · · · · ·	
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11	10	1 * 4 4 * 1 = 1		112. Questions From J			.,
12	out	t the question and send it to	m	e through my courtroom sta		be asked of a witness, you may v I will share your question with th	
13		orneys and decide whether		2			
14	reasons. For example, the question may call for an answer that is not allowed for legal reasons. Also,						
15	might have been. Because the decision whether to allow the question is mine alone, do not hold it						
16	Remember that you are not an advocate for one side of the other. Each of you is an impartial judge of						
17	the facts. Your questions should be posed in as neutral a fashion as possible. Do not discuss any question asked by any juror with any other juror until after deliberations begin.						
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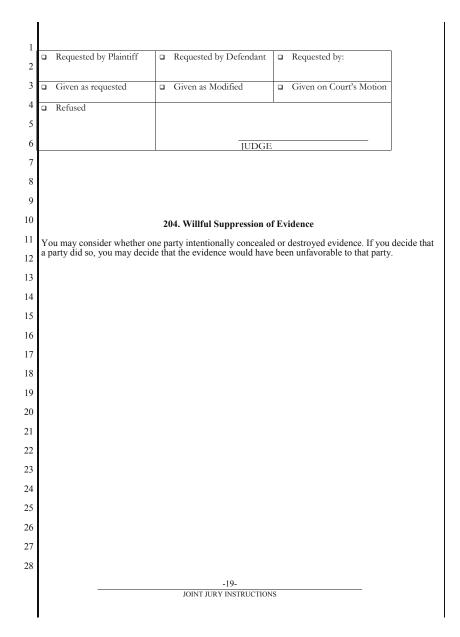
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2		Given as requested	Given as Modified Given on Court's Mo	tion	
3		Refused			
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6			JUDGE		
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10			113. Bias		
11			or certain perceptions or stereotypes of other people. You we may not share them with others. We may not		
12		some of our other biases.	bugh we may not share them with others. we may not	be fully aware	
13			act, favorably or unfavorably, toward someone. Bias c		
14	As jurors you are being asked to make very important decisions in this case. You must not let bias, prejudice, or public opinion influence your decision. You must not be biased in favor of or against any party or witness because of his or her disability gender race religion ethnicity sexual orientation.				
15					
16					
17	Your verdict must be based solely on the evidence presented. You must carefully evaluate the evidence and resist any urge to reach a verdict that is influenced by bias for or against any party or				
18		tness.	reach a vertice that is influenced by blas for or against	any party of	
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			JOINT JURY INSTRUCTIONS		

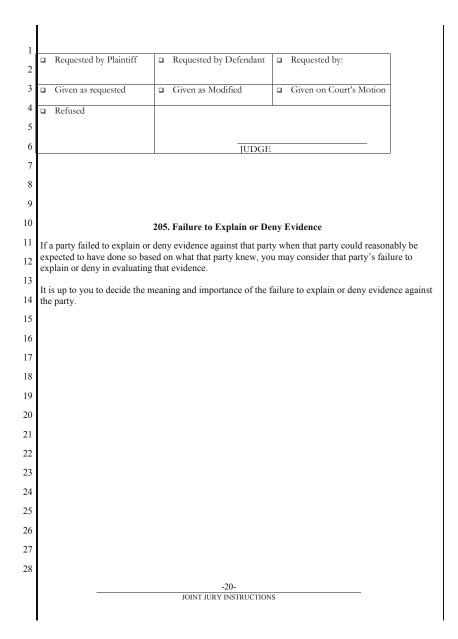


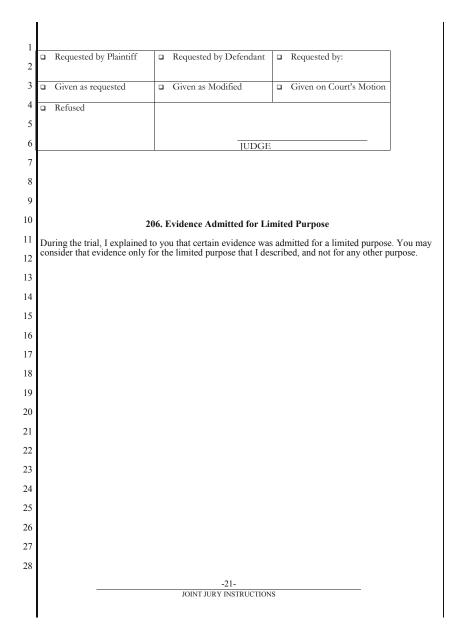


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1		Requested by Plaintiff	Requested by Defendant Requested by:			
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3		Refused				
4		Refused				
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10			202. Direct and Indirect Evidence			
11			forms. It can be testimony about what someone saw or heard or sr into evidence. It can be someone's opinion.	nelled.		
12			act by itself. For example, if a witness testifies she saw a jet plane is direct evidence that a plane flew across the sky. Some evidence			
13	pro	oves a fact indirectly. For e	example, a witness testifies that he saw only the white trail that jet dence is sometimes referred to as "circumstantial evidence." In eit	planes		
14	instance, the witness's testimony is evidence that a jet plane flew across the sky.					
15	choose to believe or disbelieve either kind. Whether it is direct or indirect, you should give every					
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			-17- JOINT JURY INSTRUCTIONS			









1 2		Requested by Plaintiff	Requested by Defendant	• Requested by:		
3		Given as requested	Given as Modified	Given on Court's Motion		
4		Refused				
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10			212. Statements of a Party	Opponent		
11		party may offer into eviden urtroom.	ce any oral or written statemen	nt made by an opposing party outside the		
12			of such a statement, you must	annaidar thasa quastiana		
13		2				
14	1. Do you believe that the party actually made the statement? If you do not believe that the party made the statement, you may not consider the statement at all.					
15	2. If you believe that the statement was made, do you believe it was reported accurately?					
16	You should view testimony about an oral statement made by a party outside the courtroom with caution.					
17	cai	ution.				
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			-22- JOINT JURY INSTRUCTION	18		

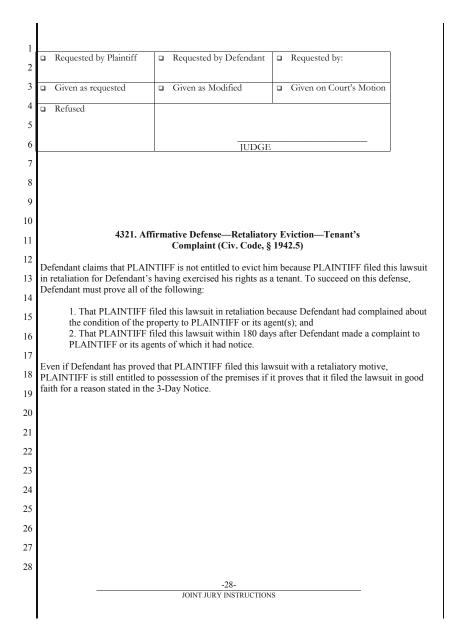
1		Requested by Plaintiff	 Requested by Defendant 	Requested by:		
2 3		Given as requested	Given as Modified	Given on Court's Motion		
4		Refused				
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10			4300 Introductory Inst	mution		
11	ть	is is an action for what is a	4300. Introductory Inst			
12	This is an action for what is called unlawful detainer. PLAINTIFF, the landlord, claims that Defendant, DEFENDANT, is its tenant under a rental agreement and that Defendant no longer has the sight to example the many set of the s					
13	right to occupy the property. Plaintiff seeks to recover possession of the property from Defendant.					
14	Defendant, DEFENDANT, claims that he still has the right to occupy the property because the rent					
15	was demanded before it was actually due and because the landbed price of the property because the term habitable condition. He also claims that Plaintiff is retaliating against him and failed to properly serve him with the Three Day Notice to Pay Rent or Quit.					
16						
17	The property involved in this case is an apartment building located at ADRESS, Los Angeles, CA 900XX.					
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			-23- JOINT JURY INSTRUCTION	IS		

1		Requested by Plaintiff	Requested by Defendant Requested by:				
2		Given as requested	Given as Modified Given on Court's Motion				
4		Refused					
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6			JUDGE				
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10		CACI 4302. Termi	ination for Failure to Pay Rent—Essential Factual Elements				
11			endant no longer has the right to occupy the property because he faile				
12	pay the rent. To establish this claim, PLAINTIFF must prove all of the following:						
13	 That PLAINTIFF owns the property; That PLAINTIFF rented the property to Defendant; 						
14	 That under the rental agreement, Defendant was required to pay rent in the amount of \$568. per month; PLAINTIFF properly gave Defendant a three days' written notice to pay the rent or vacate the property; 						
15							
16	 5. That as of August 13, 2015, at least the amount stated in the three-day notice was due; 6. That Defendant did not pay or attempt to pay the amount stated in the notice within three days after receipt of the notice; and 7. That Defendant is still occupying the property. 						
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			-24- JOINT JURY INSTRUCTIONS				

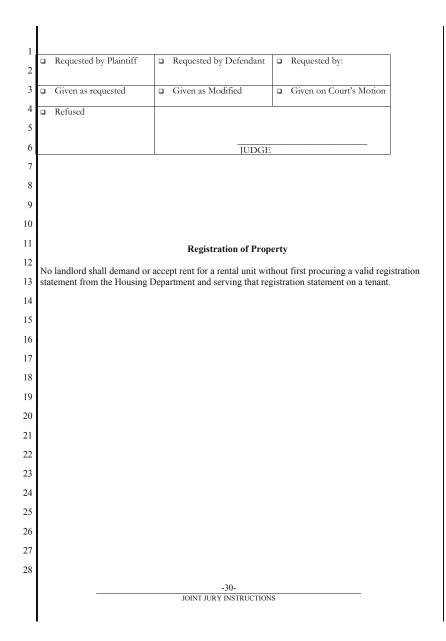
1		Requested by Plaintiff	Requested by D	efendant 🗆	Requested by:	
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4		Refused				
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6				JUDGE		
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10		4303. Sufficiency a	nd Service of Notice	e of Termina	tion for Failure to Pay Re	nt
11	PL	AINTIFF contends that it r	roperly gave Defend	lant three day	s' notice to pay the rent or v	vacate the
12	PLAINTIFF contends that it properly gave Defendant three days' notice to pay the rent or vacate the property. To prove that the notice contained the required information and was properly given, PLAINTIFF must prove all of the following:					
13			0			
14	1. That the notice informed Defendant in writing that he must pay the amount due within three days or vacate the property;					
15	2. That the notice stated no more than the amount due, and the name, telephone number, and address of the person to whom the amount should be paid, and the usual days and hours that					
16	the person would be available to receive the payment; or that payment could be made by electronic funds transfer; and					
17	3. That the notice was given to Defendants at least three days before September 2, 2015.					
18	Notice was properly given if the notice was delivered to Defendant personally or if Defendant's place of residence and work could not be discovered, or a responsible person could not be found at either					
19	place, and (1) the notice was posted on the property in a place where it would easily be noticed, (2) a copy was given to a person living there if someone could be found, and (3) a copy was also mailed to					
20 21	the address of the rented property in an envelope addressed to Defendant. In this case, notice is					
21	considered given on the date the second notice was received by Defendant.					
22	The three-day notice period begins the day after the notice was given to Defendant. If the last day of the notice period falls on a Saturday, Sunday, or holiday, Defendant's time to pay the rent or vacate					
24	the property is extended to include the first day after the Saturday, Sunday, or holiday that is not also a Saturday, Sunday, or holiday.					
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			-25 JOINT JURY INS			
			JOINT JUKY INS	TRUCTIONS		

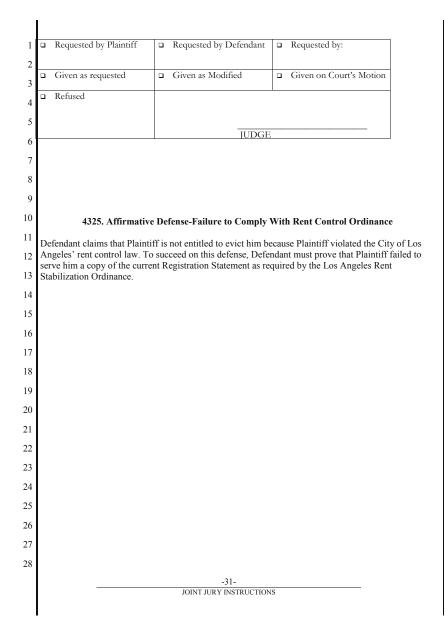
1		Requested by Plaintiff	 Requested by Defendant 	□ Requested by:		
2		Given as requested	Given as Modified	Given on Court's Motion		
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6			JUDGE			
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10						
11		4320. Affir	mative Defense—Implied W	arranty of Habitability		
12	Defendant claims that he does not owe the full amount of rent because PLAINTIFF did not maintain the property in a habitable condition. To succeed on this defense, Defendant must prove that					
13	PLAINTIFF failed to provide one or more of the following:					
14	 a. effective waterproofing and weather protection of roof and exterior walls, including unbroken windows and doors; or b. plumbing or gas facilities that complied with applicable law in effect at the time of installation and that were maintained in good working order; or c. a water supply capable of producing hot and cold running water furnished to appropriate fixtures, and connected to a sewage disposal system; or d. heating facilities that complied with applicable law in effect at the time of installation and 					
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18	 that were maintained in good working order; or e. electrical lighting with wiring and electrical equipment that complied with applicable law 					
19	in effect at the time of installation and that were maintained in good working order; or					
20	f. building, grounds, and all areas of the landlord's control, kept in every part clean, sanitary, and free from all accumulations of debris, filth, rubbish, garbage, rodents, and vermin; or					
21	g. an adequate number of containers for garbage and rubbish, in clean condition and good repair; or					
22	h. floors, stairways, and railings maintained in good repair.					
23	PLAINTIFF's failure to meet these requirements does not necessarily mean that the property was not					
24	habitable. The failure must be substantial. A condition that occurred only after Defendant failed or refused to pay rent and was served with a notice to pay rent or quit cannot be a defense to the previous					
25	nonpayment.					
26	Even if Defendant proves that PLAINTIFF substantially failed to meet any of these requirements, Defendant's defense fails if PLAINTIFF proves that Defendant has done any of the following that					
27	col			antially with PLAINTIFF's ability to		
28	1110	ake the necessary repairs.	26			
			-26- JOINT JURY INSTRUCTION	S		

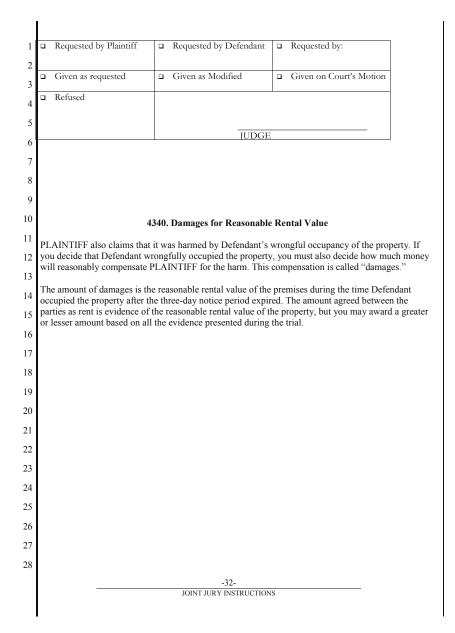
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	 a. substantially failed to keep their living area as clean and sanitary as the condition of the property permitted; or b. substantially failed to dispose of all rubbish, garbage, and other waste in a clean and sanitary manner, or c. substantially failed to property use and operate all electrical, gas, and plumbing fixtures and d. keep them as clean and sanitary as their condition permitted; or e. intentionally destroyed, defaced, damaged, impaired, or removed any part of the property, equipment, or accessories, or allowed others to do so; or f. substantially failed to use the property for living, sleeping, cooking, or dining purposes only as appropriate based on the design of the property. The fact that Defendant has continued to occupy the property does not necessarily mean that the property is habitable.
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	-27-
	JOINT JURY INSTRUCTIONS

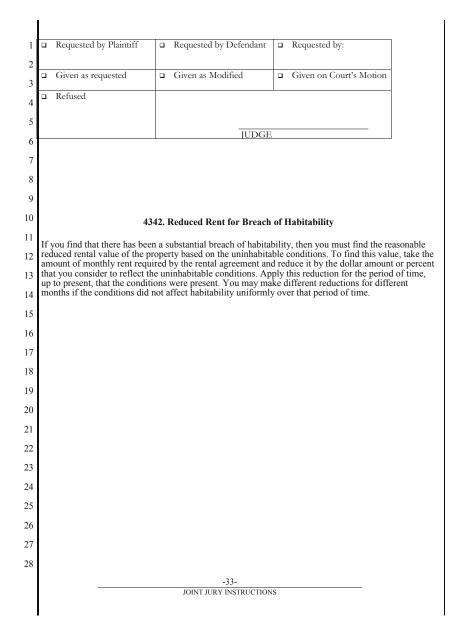


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10		4222 4 55-			F 3	intine English in
11	4322. Affirmative Defense—Retaliatory Eviction—Engaging in Legally Protected Activity (Civ. Code, § 1942.5(c))					
12	De	fendant claims that PLAIN	TIF	FF is not entitled to evict hi	m b	ecause PLAINTIFF filed this lawsuit
13	in retaliation for DEFENDANT having engaged in legally protected activities. To succeed on this defense, Defendant must prove both of the following:					
14						to PLAINTIFF or his agent(s)
15	 That Defendant lawfully and peaceably complained to PLAINTIFF or his agent(s) regarding the conditions of the property; and That PLAINTIFF filed this lawsuit because Defendant engaged in these activities. Even if Defendant has proven that PLAINTIFF filed this lawsuit with a retaliatory motive, PLAINTIFF is still entitled to possession of the premises if it proves that it also filed the lawsuit in					
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18	go	od faith for a reason stated	in tl	he 3-day notice.		
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				-29- JOINT JURY INSTRUCTION	s	









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11	М	makers of the jump you have	5000. Duties of the Judge	and Jury nd the closing arguments of the attorneys.				
12	It i	s my duty to instruct you of	n the law that applies to this ca	ase. You must follow these instructions as py of my instructions with you when you				
13		to the jury room to delibera		py of my mstructions with you when you				
14	You must decide what the facts are. You must consider all the evidence and then decide what you think happened. You must decide the facts based on the evidence admitted in this trial.							
15 16 17	Do not allow anything that happens outside this courtroom to affect your decision. Do not talk about this case or the people involved in it with anyone, including family and persons living in your household, friends and coworkers, spiritual leaders, advisors, or therapists. Do not do any research on your own or as a group. Do not use dictionaries or other reference materials.							
18 19 20	These prohibitions on communications and research extend to all forms of electronic communications. Do not use any electronic devices or media, such as a cell phone or smart phone, PDA, computer, tablet device, the Internet, any Internet service, any text or instant-messaging service, any Internet chal room, blog, or website, including social networking websites or online diaries, to send or receive any information to or from anyone about this case or your experience as a juror until after you have been discharged from your jury duty.							
21	Do	not investigate the case or	conduct any experiments. Do	not contact anyone to assist you, such as a				
22	fan	nily accountant, doctor, or l	awyer. Do not visit or view th	e scene of any event involved in this case. e. All jurors must see or hear the same				
23		idence at the same time. Yo ur decision.	u must not let bias, sympathy,	prejudice, or public opinion influence				
24				ur verdict. You must follow the law				
25		actly as I give it to you, eve out what the law means, yo		e attorneys have said anything different				
26			ot guess what I think your vero	dict should be from something I may have				
27	Pay			Il the instructions are important because				
28	tog	gether they state the law that	t you will use in this case. You	a must consider all of the instructions				
			-34- JOINT JURY INSTRUCTION	15				
			John John Morkochow					

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9	together.
10	After you have decided what the facts are, you may find that some instructions do not apply. In that
11	case, follow the instructions that do apply and use them together with the facts to reach your verdict.
12	If I repeat any ideas or rules of law during my instructions, that does not mean that these ideas or rules are more important than the others. In addition, the order in which the instructions are given does not
13	make any difference.
14	[Most of the instructions are typed. However, some handwritten or typewritten words may have been added, and some words may have been deleted. Do not discuss or consider why words may have been
15	added or deleted. Please treat all the words the same, no matter what their format. Simply accept the instruction in its final form.]
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	-35- JOINT JURY INSTRUCTIONS

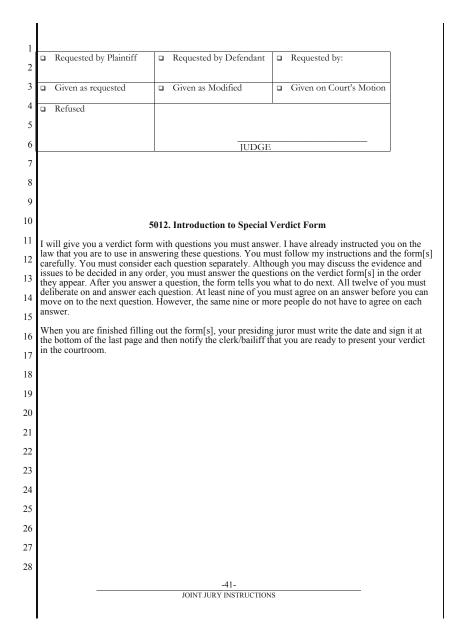
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6		JUDGE				
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10		5002. Evidence				
11			e evidence you have seen or heard during			
12	else may be admitted into evi	dence. You may not consider a	worn testimony, documents, or anything is evidence anything that you saw or heard			
13	witnesses.	, even sometning done or said	by one of the parties, attorneys, or			
14	What the attorneys say during the trial is not evidence. In their opening statements and closing					
15	arguments, the attorneys talk to you about the law and the evidence. What the lawyers say may help you understand the law and the evidence, but their statements and arguments are not evidence.					
16			es' answers are evidence. You should not			
17 18	think that something is true just because an attorney's question suggested that it was true. [However, the attorneys for both sides have agreed that certain facts are true. This agreement is called a stipulation. No other proof is needed and you must accept those facts as true in this trial.]					
19	question, you must ignore the question. If the witness did not answer, you must not guess what he or she might have said or why I sustained the objection. If the witness already answered, you must ignore the answer.					
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22	testimony. You must treat it a		you neard, you must totarry disregard that			
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		JOINT JURY INSTRUCTION	S			

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10				5002 With			
11		·/ · · · · · · · · · · · · · · · · · ·		5003. Witnesses	v		
12	bel	ieve each witness and how	importan			ou will have to decide whether yo y is to the case. You may believe	
12	^	t, or none of a witness's te	5				
-	In deciding whether to believe a witness's testimony, you may consider, among other factors, the following:						
14	 (a) How well did the witness see, hear, or otherwise sense what he or she described in court? (b) How well did the witness remember and describe what happened? (c) How did the witness look, act, and speak while testifying? (d) Did the witness have any reason to say something that was not true? For example, did the 						
15							
16		witness show any bias	or prejud	ice or have a person	al re	lationship with any of the parties	
17	involved in the case or have a personal stake in how this case is decided? (e) What was the witness's attitude toward this case or about giving testimony?						
18	Sometimes a witness may say something that is not consistent with something else he or she said. Sometimes different witnesses will give different versions of what happened. People often forget things or make mistakes in what they remember. Also, two people may see the same event but remember it differently. You may consider these differences, but do not decide that testimony is						
19							
20		true just because it differs f			s, bu	It do not decide that testimony is	
21						uthfully about something importar	
22	tes	tified untruthfully about so	ne things			e other hand, if you think the with others, you may accept the part yo	
23		nk is true and ignore the res					
24		not make any decision sin u believe it is true, the testi				esses on one side than on the othe to prove a fact.	r. If
25	-	*	-	0	e	se of his or her disability, gender,	
26		e, religion, ethnicity, sexua					
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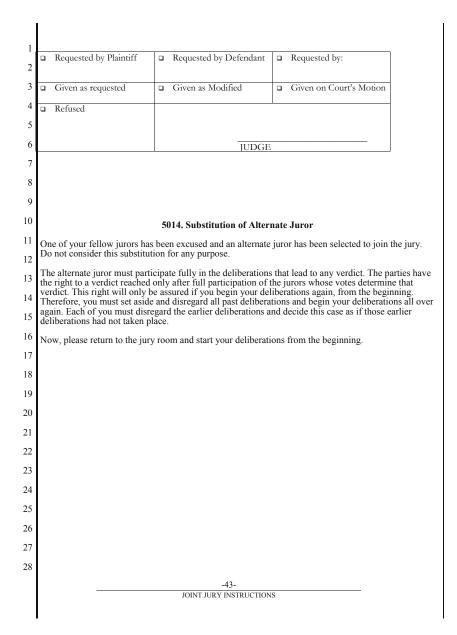
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0			5009. Pre-deliberation Inst					
1				s choose a presiding juror. The presiding at everyone has a fair chance to be heard.				
2				o consider the views of all the jurors.				
4	Each of you must decide the case for yourself, but only after you have considered the evidence with the other members of the jury. Feel free to change your mind if you are convinced that your position							
5	should be different. You should all try to agree. But do not give up your honest beliefs just because the others think differently.							
6	Please do not state your opinions too strongly at the beginning of your deliberations or immediately announce how you plan to vote as it may interfere with an open discussion. Keep an open mind so that							
7	you and your fellow jurors can easily share ideas about the case.							
8	You should use your common sense and experience in deciding whether testimony os true an accurate. However, during your deliberations, do not make any statements or provide any information to other							
9	jurors based on any special training or unique personal experience that you may have had related to matters involved in this case. What you may know or have learned through your training or experience is							
0		t part of the evidence receiv						
1	Sometimes jurors disagree or have questions about the evidence or about what the witnesses said in their testimony. If that happens, you may ask to have testimony read back to you or ask to see any exhibits							
2	exp	planation about the laws that	at apply to the case. If this happ	o you. Also, jurors may need further ens during your discussions, write down				
3				I will do my best to answer them. When you til I ask for this information in open court.				
4				finished filling out the form, your nd then notify the clerk or the bailiff that				
5		are ready to present your		ng men notity the clerk of the balling that				
6			on your personal evaluation of t court how you voted on each qu	the evidence presented in the case. Each				
7		5 5 1	5	you that you must not base your				
8			flip of a coin. If you decide to a	award damages, you may not agree in				
			-38- JOINT JURY INSTRUCTIONS	3				

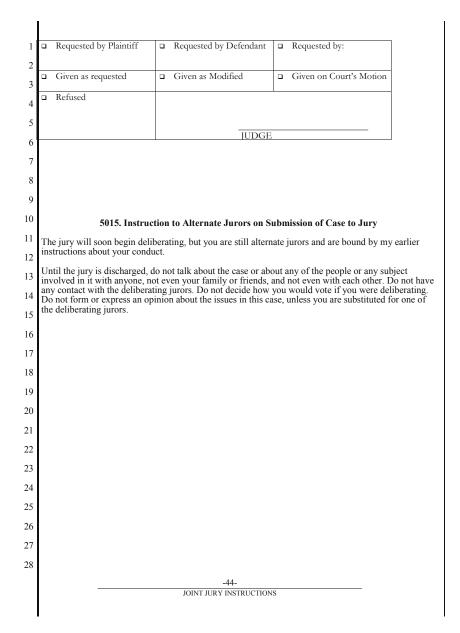
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10	advance to simply add up the amounts each juror thinks is right and then, without further deliberations, make the average of your verdict.
11	You may take breaks, but do not discuss this case with anyone, including each other, until all of you
12	are back in the jury room.
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	-39- JOINT JURY INSTRUCTIONS

1 2		Requested by Plaintiff		Requested by Defendant		Requested by:	
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6				JUDGE			
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10			5	010. Taking Notes During	g th	e Trial	
11	If	you have taken notes during	g the	e trial, you may take your r	ote	books with you into the jury room.	
12	Yo	ou may use your notes only	to h	elp you remember what ha	ppe	ened during the trial. Your independe	
13	rec	luenced by the notes of oth	iou er ji	urors if those notes differ f	i sh rom	ould not allow yourself to be what you remember.	
14	At the end of the trial, your notes will be confected and destroyed/confected and retained by the court						
15	but not as a part of the case record.						
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				-40- JOINT JURY INSTRUCTION	S		



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6				JUDGE		· · · · · · · · · · · · · · · · · · ·	
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10			4	5013. Deadlocked Jury Ad	lma	nition	
11						nt time trying to reach a verdict and	
12				2		th their lives with this matter resolved	
13	an	open mind and feel free to	cha	nge your opinion if you be	con	g those with whom you disagree. Kee he convinced that it is wrong.	
14	You should not, however, surrender your beliefs concerning the truth and the weight of the evidence.						
15	Each of you must decide the case for yourself and not merely go along with the conclusions of your fellow jurors.						
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