

# California Eviction Defense: Protecting Low-Income Tenants 2017

*Co-Chairs*

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Sample Joint Jury Instructions—  
General & Special

Lorraine López  
*Inner City Law Center*

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12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
13 **COUNTY OF LOS ANGELES CENTRAL DISTRICT**

14 **PLAINTIFF,** )  
15 **Plaintiff,** ) Case No. 15UXXXXX  
16 **vs.** )  
17 **DEFENDANT; DOES 1 to 10, Inclusive,** ) **[PROPOSED] JOINT JURY**  
18 **Defendant.** ) **INSTRUCTIONS – GENERAL & SPECIAL**  
19 ) **DATE:**  
20 ) **TIME:**  
21 ) **DEPT:**  
22 ) Hon. \_\_\_\_\_, Judge Presiding

23 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

24 PLEASE TAKE NOTICE THAT, pursuant to Rule 2.1055 of the California Rules of Court and  
25 Section 607a of the Code of Civil Procedure, the PARTIES JOINTLY requests this Court to give the  
26 CACI jury instructions provided below, as well as any special jury instructions that may later be  
27 requested.

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Dated: \_\_\_\_\_

INNER CITY LAW CENTER

\_\_\_\_\_  
Attorneys for Defendant(s).

1 Dated: \_\_\_\_\_

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Attorneys for Plaintiff(s)



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7 <input type="checkbox"/> Refused	8 _____ 9 JUDGE	

**10. Preliminary Admonitions**

11 You have now been sworn as jurors in this case. I want to impress on you the seriousness and  
12 importance of serving on a jury. Trial by jury is a fundamental right in California. The parties have a  
13 right to a jury that is selected fairly, that comes to the case without bias, and that will attempt to reach  
14 a verdict based on the evidence presented. Before we begin, I need to explain how you must conduct  
15 yourselves during the trial.

16 Do not allow anything that happens outside this courtroom to affect your decision. During the trial do  
17 not talk about this case or the people involved in it with anyone, including family and persons living  
18 in your household, friends and co-workers, spiritual leaders, advisors, or therapists. You may say you  
19 are on a jury and how long the trial may take, but that is all. You must not even talk about the case  
20 with the other jurors until after I tell you that it is time for you to decide the case.

21 This prohibition is not limited to face-to-face conversations. It also extends to all forms of electronic  
22 communications. Do not use any electronic device or media, such as a cell phone or smart phone,  
23 PDA, computer, the Internet, any Internet service, any text or instant messaging service, any Internet  
24 chat room, blog, or website, including social networking websites or online diaries, to send or receive  
25 any information to or from anyone about this case or your experience as a juror until after you have  
26 been discharged from your jury duty

27 During the trial, do not read, listen to, or watch any news reports about this case. I have no  
28 information that there will be news reports concerning this case. This prohibition extends to the use  
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.

Do not do any research on your own or as a group. Do not use dictionaries, the Internet, or other  
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  
involved in this case or use any Internet maps or mapping programs or any other programs or device  
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 jurors must see or hear the same evidence at the same time. If you do need to  
view the scene during the trial, you will be taken there as a group under proper supervision.

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JOINT JURY INSTRUCTIONS

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If you violate any of these prohibitions on communications and research, including prohibitions on 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 that violation.

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 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.

Do not concern yourselves with the reasons for the rulings I will make during the course of the trial. Do not guess what I may think your verdict should be from anything I might say or do.

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.

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.

At the end of the trial, I will explain the law that you must follow to reach your verdict. You must follow the law as I explain it to you, even if you do not agree with the law.

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**101. Overview of Trial**

To assist you in your tasks as jurors, I will now explain how the trial will proceed. PLAINTIFF filed this lawsuit. PLAINTIFF is the Plaintiff. DEFENDANT is the Defendant. PLAINTIFF seeks to evict DEFENDANT from the place where he lives. Each plaintiff and each defendant is called a party to the case.

First, each side may make an opening statement, but neither side is required to do so. An opening statement is not 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 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.

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.

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.

Documents or objects referred to during the trial are called exhibits. Exhibits will be given a number or letter and marked so they may be clearly identified. Exhibits are not evidence until I admit them into evidence. You will be able to look at these exhibits during your deliberations.

There are many rules that govern whether something will be considered evidence in the trial. As one side 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 presence.

After the evidence has been presented, I will instruct you on the law that applies to the case and the attorneys will make closing arguments. What the parties say in closing argument is not evidence. The arguments are offered to help you understand the evidence and how the law applies to it.

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**102. Taking Notes During the Trial**

You have been given notebooks and may take notes during the trial. Do not remove the notebooks from the jury box at any time during the trial. You may take your notes into the jury room during deliberations.

You should use your notes only to remind yourself of what happened during the trial. Do not let your note-taking interfere with your ability to listen carefully to all the testimony and to watch the witnesses as they testify. Nor should you allow your impression of a witness or other evidence to be influenced by whether or not other jurors are taking notes. Your independent recollection of the evidence should govern your verdict and you should not allow yourself to be influenced by the notes of other jurors if those notes differ from what you remember.

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10 **106. Evidence**

11 Sworn testimony, documents, or anything else may be admitted into evidence. You must decide what  
 12 the facts are in this case from the evidence you see or hear during the trial. You may not consider as  
 13 evidence anything that you see or hear when court is not in session, even something done or said by  
 one of the parties, attorneys, or witnesses.

14 What the attorneys say during the trial is not evidence. In their opening statements and closing  
 15 arguments, the attorneys will 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 The attorneys' questions are not evidence. Only the witnesses' answers are evidence. You should not  
 17 think that something is true just because an attorney's question suggests that it is true. However, the  
 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  
 19 objection, I will say it is overruled. If I overrule an objection, the witness will answer and you may  
 consider the evidence. If I agree with the objection, I will say it is sustained. If I sustain an objection,  
 20 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  
 21 has already answered, you must ignore the answer.

22 Sometimes an attorney may make a motion to strike testimony that you have heard. If I grant the  
 motion, you must totally disregard that testimony. You must treat it as though it did not exist.

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**107. Witnesses**

A witness is a person who has knowledge related to this case. You will have to decide whether you believe each witness and how important each witness's testimony is to the case. You may believe all, part, or none of a witness's testimony.

In deciding whether to believe a witness's testimony, you may consider, among other factors, the following:

- (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? 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?
- (e) What was the witness's attitude toward this case or about giving testimony?

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 untrue just because it differs from other testimony.

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 some things but told the truth about others, you may accept the part you think is true and ignore the rest.

Do not make any decision simply because there were more witnesses on one side than on the other. If you believe it is true, the testimony of a single witness is enough to prove a fact.

You must not be biased against any witness because of his or her race, sex, religion, occupation, sexual orientation, or national origin.

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 JOINT JURY INSTRUCTIONS

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10	<b>108. Duty to Abide by Translation Provided in Court</b>		
11	Some testimony will be given in Spanish. An interpreter will provide a translation for you at the time		
12	that the testimony is given. You must rely solely on the translation provided by the interpreter, even if		
13	you understand the language spoken by the witness. Do not retranslate any testimony for other jurors.		
14	If you believe the court interpreter translated testimony incorrectly, let me know immediately by		
15	writing a note and giving it to the clerk/court attendant.		
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11 **111. Instructions to Alternate Jurors**

12 As alternate jurors, you are bound by the same rules that govern the conduct of the jurors who are  
 13 sitting on the panel. You will observe the same trial and should pay attention to all of my instructions  
 14 just as if you were sitting on the panel. Sometimes a juror needs to be excused during a trial for  
 15 illness or some other reason. If that happens, an alternate will be selected to take that juror's place.

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10	<b>112. Questions From Jurors</b>		
11	If, during the trial, you have a question that you believe should be asked of a witness, you may write		
12	out the question and send it to me through my courtroom staff. I will share your question with the		
13	attorneys and decide whether it may be asked.		
14	Do not feel disappointed if your question is not asked. Your question may not be asked for a variety of		
15	reasons. For example, the question may call for an answer that is not allowed for legal reasons. Also,		
16	you should not try to guess the reason why a question is not asked or speculate about what the answer		
17	might have been. Because the decision whether to allow the question is mine alone, do not hold it		
18	against any of the attorneys or their clients if your question is not asked.		
19	Remember that you are not an advocate for one side or the other. Each of you is an impartial judge of		
20	the facts. Your questions should be posed in as neutral a fashion as possible. Do not discuss any		
21	question asked by any juror with any other juror until after deliberations begin.		
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	JOINT JURY INSTRUCTIONS		

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**113. Bias**

Each one of us has biases about or certain perceptions or stereotypes of other people. We may be aware of some of our biases, though we may not share them with others. We may not be fully aware of some of our other biases.

Our biases often affect how we act, favorably or unfavorably, toward someone. Bias can affect our thoughts, how we remember, what we see and hear, whom we believe or disbelieve, and how we make important decisions.

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, age, national origin, or socioeconomic status.

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 witness.

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**200. Obligation to Prove—More Likely True Than Not True**

A party must persuade you, by the evidence presented in court, that what he or she is required to prove is more likely to be true than not true. This is referred to as “the burden of proof.”

After weighing all of the evidence, if you cannot decide that something is more likely to be true than not true, you must conclude that the party did not prove it. You should consider all the evidence, no matter which party produced the evidence.

In criminal trials, the prosecution must prove that the defendant is guilty beyond a reasonable doubt. But in civil trials, such as this one, the party who is required to prove something need prove only that it is more likely to be true than not true.

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**202. More Likely True – Clear & Convincing Proof**

Certain facts must be proved by clear and convincing evidence, which is a higher burden of proof. This means the party must persuade you that it is highly probable that the fact is true. I will tell you specifically which facts must be proved by clear and convincing evidence.

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10 **202. Direct and Indirect Evidence**

11 Evidence can come in many forms. It can be testimony about what someone saw or heard or smelled. It can be an exhibit admitted into evidence. It can be someone's opinion.

12 Direct evidence can prove a fact by itself. For example, if a witness testifies she saw a jet plane flying across the sky, that testimony is direct evidence that a plane flew across the sky. Some evidence  
 13 proves a fact indirectly. For example, a witness testifies that he saw only the white trail that jet planes often leave. This indirect evidence is sometimes referred to as "circumstantial evidence." In either  
 14 instance, the witness's testimony is evidence that a jet plane flew across the sky.

15 As far as the law is concerned, it makes no difference whether evidence is direct or indirect. You may  
 16 choose to believe or disbelieve either kind. Whether it is direct or indirect, you should give every piece of evidence whatever weight you think it deserves.

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**203. Party Having Power to Produce Better Evidence**

You may consider the ability of each party to provide evidence. If a party provided weaker evidence when it could have provided stronger evidence, you may distrust the weaker evidence.

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**204. Willful Suppression of Evidence**

You may consider whether one party intentionally concealed or destroyed evidence. If you decide that a party did so, you may decide that the evidence would have been unfavorable to that party.

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**205. Failure to Explain or Deny Evidence**

If a party failed to explain or deny evidence against that party when that party could reasonably be expected to have done so based on what that party knew, you may consider that party's failure to explain or deny in evaluating that evidence.

It is up to you to decide the meaning and importance of the failure to explain or deny evidence against the party.



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<input type="checkbox"/> Refused	_____ JUDGE	

**206. Evidence Admitted for Limited Purpose**

During the trial, I explained to you that certain evidence was admitted for a limited purpose. You may consider that evidence only for the limited purpose that I described, and not for any other purpose.

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<input type="checkbox"/> Requested by Plaintiff	<input type="checkbox"/> Requested by Defendant	<input type="checkbox"/> Requested by:
<input type="checkbox"/> Given as requested	<input type="checkbox"/> Given as Modified	<input type="checkbox"/> Given on Court's Motion
<input type="checkbox"/> Refused	_____ JUDGE	

**212. Statements of a Party Opponent**

A party may offer into evidence any oral or written statement made by an opposing party outside the courtroom.

When you evaluate evidence of such a statement, you must consider these questions:

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.
  2. If you believe that the statement was made, do you believe it was reported accurately?
- You should view testimony about an oral statement made by a party outside the courtroom with caution.

1	<input type="checkbox"/> Requested by Plaintiff	<input type="checkbox"/> Requested by Defendant	<input type="checkbox"/> Requested by:
2	<input type="checkbox"/> Given as requested	<input type="checkbox"/> Given as Modified	<input type="checkbox"/> Given on Court's Motion
3	<input type="checkbox"/> Refused		
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10	<b>4300. Introductory Instruction</b>		
11	This is an action for what is called unlawful detainer. PLAINTIFF, the landlord, claims that		
12	Defendant, DEFENDANT, is its tenant under a rental agreement and that Defendant no longer has the		
13	right to occupy the property.		
14	Plaintiff seeks to recover possession of the property from Defendant.		
15	Defendant, DEFENDANT, claims that he still has the right to occupy the property because the rent		
16	was demanded before it was actually due and because the landlord failed to maintain the premises in a		
17	habitable condition. He also claims that Plaintiff is retaliating against him and failed to properly serve		
18	him with the Three Day Notice to Pay Rent or Quit.		
19	The property involved in this case is an apartment building located at ADDRESS, Los Angeles, CA		
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	JOINT JURY INSTRUCTIONS		

1 <input type="checkbox"/> Requested by Plaintiff	2 <input type="checkbox"/> Requested by Defendant	3 <input type="checkbox"/> Requested by:
4 <input type="checkbox"/> Given as requested	5 <input type="checkbox"/> Given as Modified	6 <input type="checkbox"/> Given on Court's Motion
7 <input type="checkbox"/> Refused	8 _____ 9 JUDGE	

10 **CACI 4302. Termination for Failure to Pay Rent—Essential Factual Elements**

11 PLAINTIFF claims that Defendant no longer has the right to occupy the property because he failed to

12 pay the rent. To establish this claim, PLAINTIFF must prove all of the following:

- 13 1. That PLAINTIFF owns the property;
- 14 2. That PLAINTIFF rented the property to Defendant;
- 15 3. That under the rental agreement, Defendant was required to pay rent in the amount of \$568.
- 16 4. PLAINTIFF properly gave Defendant a three days' written notice to pay the rent or vacate
- 17 5. That as of August 13, 2015, at least the amount stated in the three-day notice was due;
- 18 6. That Defendant did not pay or attempt to pay the amount stated in the notice within three
- 19 7. That Defendant is still occupying the property.

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JOINT JURY INSTRUCTIONS

<input type="checkbox"/> Requested by Plaintiff	<input type="checkbox"/> Requested by Defendant	<input type="checkbox"/> Requested by:
<input type="checkbox"/> Given as requested	<input type="checkbox"/> Given as Modified	<input type="checkbox"/> Given on Court's Motion
<input type="checkbox"/> Refused	<hr style="width: 80%; margin: 0 auto;"/> JUDGE	

  

**4303. Sufficiency and Service of Notice of Termination for Failure to Pay Rent**

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:

1. That the notice informed Defendant in writing that he must pay the amount due within three days or vacate the property;
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 the person would be available to receive the payment; or that payment could be made by electronic funds transfer; and
3. That the notice was given to Defendants at least three days before September 2, 2015.

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 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 the address of the rented property in an envelope addressed to Defendant. In this case, notice is considered given on the date the second notice was received by Defendant.

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 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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 JOINT JURY INSTRUCTIONS

<input type="checkbox"/> Requested by Plaintiff	<input type="checkbox"/> Requested by Defendant	<input type="checkbox"/> Requested by:
<input type="checkbox"/> Given as requested	<input type="checkbox"/> Given as Modified	<input type="checkbox"/> Given on Court's Motion
<input type="checkbox"/> Refused	_____ JUDGE	

**4320. Affirmative Defense—Implied Warranty of Habitability**

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 PLAINTIFF failed to provide one or more of the following:

- 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 that were maintained in good working order; or
- e. electrical lighting with wiring and electrical equipment that complied with applicable law in effect at the time of installation and that were maintained in good working order; or
- 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
- g. an adequate number of containers for garbage and rubbish, in clean condition and good repair; or
- h. floors, stairways, and railings maintained in good repair.

PLAINTIFF's failure to meet these requirements does not necessarily mean that the property was not 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 nonpayment.

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 contributed substantially to the condition or interfered substantially with PLAINTIFF's ability to make the necessary repairs:

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- 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 properly 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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<input type="checkbox"/> Given as requested	<input type="checkbox"/> Given as Modified	<input type="checkbox"/> Given on Court's Motion
<input type="checkbox"/> Refused	_____ JUDGE	

**4321. Affirmative Defense—Retaliatory Eviction—Tenant's  
Complaint (Civ. Code, § 1942.5)**

Defendant claims that PLAINTIFF is not entitled to evict him because PLAINTIFF filed this lawsuit in retaliation for Defendant's having exercised his rights as a tenant. To succeed on this defense, Defendant must prove all of the following:

1. That PLAINTIFF filed this lawsuit in retaliation because Defendant had complained about the condition of the property to PLAINTIFF or its agent(s); and
2. That PLAINTIFF filed this lawsuit within 180 days after Defendant made a complaint to PLAINTIFF or its agents of which it had notice.

Even if Defendant has proved that PLAINTIFF filed this lawsuit with a retaliatory motive, PLAINTIFF is still entitled to possession of the premises if it proves that it filed the lawsuit in good faith for a reason stated in the 3-Day Notice.



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<input type="checkbox"/> Given as requested	<input type="checkbox"/> Given as Modified	<input type="checkbox"/> Given on Court's Motion
<input type="checkbox"/> Refused	<hr style="width: 80%; margin: 0 auto;"/> JUDGE	

  

**4322. Affirmative Defense—Retaliatory Eviction—Engaging in Legally Protected Activity (Civ. Code, § 1942.5(e))**

Defendant claims that PLAINTIFF is not entitled to evict him because PLAINTIFF filed this lawsuit in retaliation for DEFENDANT having engaged in legally protected activities. To succeed on this defense, Defendant must prove both of the following:

1. That Defendant lawfully and peaceably complained to PLAINTIFF or his agent(s) regarding the conditions of the property; and
2. 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 good faith for a reason stated in the 3-day notice.

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JOINT JURY INSTRUCTIONS

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<input type="checkbox"/> Given as requested	<input type="checkbox"/> Given as Modified	<input type="checkbox"/> Given on Court's Motion
<input type="checkbox"/> Refused	_____ JUDGE	

**Registration of Property**

No landlord shall demand or accept rent for a rental unit without first procuring a valid registration statement from the Housing Department and serving that registration statement on a tenant.

1	<input type="checkbox"/> Requested by Plaintiff	<input type="checkbox"/> Requested by Defendant	<input type="checkbox"/> Requested by:
2	<input type="checkbox"/> Given as requested	<input type="checkbox"/> Given as Modified	<input type="checkbox"/> Given on Court's Motion
3	<input type="checkbox"/> Refused		
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10	<b>4325. Affirmative Defense-Failure to Comply With Rent Control Ordinance</b>		
11	Defendant claims that Plaintiff is not entitled to evict him because Plaintiff violated the City of Los		
12	Angeles' rent control law. To succeed on this defense, Defendant must prove that Plaintiff failed to		
13	serve him a copy of the current Registration Statement as required by the Los Angeles Rent		
14	Stabilization Ordinance.		
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7 <input type="checkbox"/> Refused	8 _____ 9 JUDGE	

**4340. Damages for Reasonable Rental Value**

PLAINTIFF also claims that it was harmed by Defendant's wrongful occupancy of the property. If you decide that Defendant wrongfully occupied the property, you must also decide how much money will reasonably compensate PLAINTIFF for the harm. This compensation is called "damages."

The amount of damages is the reasonable rental value of the premises during the time Defendant occupied the property after the three-day notice period expired. The amount agreed between the parties as rent is evidence of the reasonable rental value of the property, but you may award a greater or lesser amount based on all the evidence presented during the trial.

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JOINT JURY INSTRUCTIONS



1	<input type="checkbox"/> Requested by Plaintiff	<input type="checkbox"/> Requested by Defendant	<input type="checkbox"/> Requested by:
2	<input type="checkbox"/> Given as requested	<input type="checkbox"/> Given as Modified	<input type="checkbox"/> Given on Court's Motion
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10	<b>5000. Duties of the Judge and Jury</b>		
11	Members of the jury, you have now heard all the evidence and the closing arguments of the attorneys.		
12	It is my duty to instruct you on the law that applies to this case. You must follow these instructions as		
13	well as those that I previously gave you. You will have a copy of my instructions with you when you		
14	go to the jury room to deliberate.		
15	You must decide what the facts are. You must consider all the evidence and then decide what you		
16	think happened. You must decide the facts based on the evidence admitted in this trial.		
17	Do not allow anything that happens outside this courtroom to affect your decision. Do not talk about		
18	this case or the people involved in it with anyone, including family and persons living in your		
19	household, friends and coworkers, spiritual leaders, advisors, or therapists. Do not do any research on		
20	your own or as a group. Do not use dictionaries or other reference materials.		
21	These prohibitions on communications and research extend to all forms of electronic communications.		
22	Do not use any electronic devices or media, such as a cell phone or smart phone, PDA, computer,		
23	tablet device, the Internet, any Internet service, any text or instant-messaging service, any Internet chat		
24	room, blog, or website, including social networking websites or online diaries, to send or receive any		
25	information to or from anyone about this case or your experience as a juror until after you have been		
26	discharged from your jury duty.		
27	Do not investigate the case or conduct any experiments. Do not contact anyone to assist you, such as a		
28	family accountant, doctor, or lawyer. Do not visit or view the scene of any event involved in this case.		
	If you happen to pass by the scene, do not stop or investigate. All jurors must see or hear the same		
	evidence at the same time. You must not let bias, sympathy, prejudice, or public opinion influence		
	your decision.		
	I will now tell you the law that you must follow to reach your verdict. You must follow the law		
	exactly as I give it to you, even if you disagree with it. If the attorneys have said anything different		
	about what the law means, you must follow what I say.		
	In reaching your verdict, do not guess what I think your verdict should be from something I may have		
	said or done.		
	Pay careful attention to all the instructions that I give you. All the instructions are important because		
	together they state the law that you will use in this case. You must consider all of the instructions		
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	JOINT JURY INSTRUCTIONS		

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together.

After you have decided what the facts are, you may find that some instructions do not apply. In that case, follow the instructions that do apply and use them together with the facts to reach your verdict.

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 make any difference.

[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 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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<input type="checkbox"/> Given as requested	<input type="checkbox"/> Given as Modified	<input type="checkbox"/> Given on Court's Motion
<input type="checkbox"/> Refused	_____ JUDGE	

**5002. Evidence**

You must decide what the facts are in this case only from the evidence you have seen or heard during the trial, including any exhibits that I admit into evidence. Sworn testimony, documents, or anything else may be admitted into evidence. You may not consider as evidence anything that you saw or heard when court was not in session, even something done or said by one of the parties, attorneys, or witnesses.

What the attorneys say during the trial is not evidence. In their opening statements and closing 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.

The attorneys' questions are not evidence. Only the witnesses' answers are evidence. You should not 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.]

Each side had the right to object to evidence offered by the other side. If I sustained an objection to a 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.

If during the trial I granted a motion to strike testimony that you heard, you must totally disregard that testimony. You must treat it as though it did not exist.



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<input type="checkbox"/> Given as requested	<input type="checkbox"/> Given as Modified	<input type="checkbox"/> Given on Court's Motion
<input type="checkbox"/> Refused	<hr style="width: 80%; margin: 0 auto;"/> JUDGE	

  

**5003. Witnesses**

A witness is a person who has knowledge related to this case. You will have to decide whether you believe each witness and how important each witness's testimony is to the case. You may believe all, part, or none of a witness's testimony.

In deciding whether to believe a witness's testimony, you may consider, among other factors, the following:

- (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 witness show any bias or prejudice or have a personal relationship with any of the parties 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?

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 untrue just because it differs from other testimony.

However, if you decide that a witness 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 some things but told the truth about others, you may accept the part you think is true and ignore the rest.

Do not make any decision simply because there were more witnesses on one side than on the other. If you believe it is true, the testimony of a single witness is enough to prove a fact.

You must not be biased in favor of or against any witness because of his or her disability, gender, race, religion, ethnicity, sexual orientation, age, national origin, or socioeconomic status.

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JOINT JURY INSTRUCTIONS

1 <input type="checkbox"/> Requested by Plaintiff	2 <input type="checkbox"/> Requested by Defendant	3 <input type="checkbox"/> Requested by:
4 <input type="checkbox"/> Given as requested	5 <input type="checkbox"/> Given as Modified	6 <input type="checkbox"/> Given on Court's Motion
7 <input type="checkbox"/> Refused	8 _____ 9 JUDGE	

**5009. Pre-deliberation Instructions**

11 When you go to the jury room, the first thing you should do is choose a presiding juror. The presiding  
12 juror should see to it that your discussions are orderly and that everyone has a fair chance to be heard.

13 It is your duty to talk with one another in the jury room and to consider the views of all the jurors.  
14 Each of you must decide the case for yourself, but only after you have considered the evidence with  
15 the other members of the jury. Feel free to change your mind if you are convinced that your position  
16 should be different. You should all try to agree. But do not give up your honest beliefs just because  
17 the others think differently.

18 Please do not state your opinions too strongly at the beginning of your deliberations or immediately  
19 announce how you plan to vote as it may interfere with an open discussion. Keep an open mind so that  
20 you and your fellow jurors can easily share ideas about the case.

21 You should use your common sense and experience in deciding whether testimony is true and accurate.  
22 However, during your deliberations, do not make any statements or provide any information to other  
23 jurors based on any special training or unique personal experience that you may have had related to  
24 matters involved in this case. What you may know or have learned through your training or experience is  
25 not part of the evidence received in this case.

26 Sometimes jurors disagree or have questions about the evidence or about what the witnesses said in their  
27 testimony. If that happens, you may ask to have testimony read back to you or ask to see any exhibits  
28 admitted into evidence that have not already been provided to you. Also, jurors may need further  
explanation about the laws that apply to the case. If this happens during your discussions, write down  
your questions and give them to the clerk or court attendant. I will do my best to answer them. When you  
write me a note, do not tell me how you voted on an issue until I ask for this information in open court.

At least nine jurors must agree on a verdict. When you have finished filling out the form, your  
presiding juror must write the date and sign it at the bottom and then notify the clerk or the bailiff that  
you are ready to present your verdict in the courtroom.

Your decision must be based on your personal evaluation of the evidence presented in the case. Each  
of you may be asked in open court how you voted on each question.

While I know you would not do this, I am required to advise you that you must not base your  
decision on chance, such as a flip of a coin. If you decide to award damages, you may not agree in

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JOINT JURY INSTRUCTIONS

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advance to simply add up the amounts each juror thinks is right and then, without further deliberations, make the average of your verdict.

You may take breaks, but do not discuss this case with anyone, including each other, until all of you are back in the jury room.

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<input type="checkbox"/> Given as requested	<input type="checkbox"/> Given as Modified	<input type="checkbox"/> Given on Court's Motion
<input type="checkbox"/> Refused	_____ JUDGE	

**5010. Taking Notes During the Trial**

If you have taken notes during the trial, you may take your notebooks with you into the jury room.  
You may use your notes only to help you remember what happened during the trial. Your independent recollection of the evidence should govern your verdict. You should not allow yourself to be influenced by the notes of other jurors if those notes differ from what you remember.  
At the end of the trial, your notes will be collected and destroyed/collected and retained by the court but not as a part of the case record.

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<input type="checkbox"/> Given as requested	<input type="checkbox"/> Given as Modified	<input type="checkbox"/> Given on Court's Motion
<input type="checkbox"/> Refused	_____ JUDGE	

**5012. Introduction to Special Verdict Form**

I will give you a verdict form with questions you must answer. I have already instructed you on the law that you are to use in answering these questions. You must follow my instructions and the form[s] carefully. You must consider each question separately. Although you may discuss the evidence and issues to be decided in any order, you must answer the questions on the verdict form[s] in the order they appear. After you answer a question, the form tells you what to do next. All twelve of you must deliberate on and answer each question. At least nine of you must agree on an answer before you can move on to the next question. However, the same nine or more people do not have to agree on each answer.

When you are finished filling out the form[s], your presiding juror must write the date and sign it at the bottom of the last page and then notify the clerk/bailiff that you are ready to present your verdict in the courtroom.

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<input type="checkbox"/> Given as requested	<input type="checkbox"/> Given as Modified	<input type="checkbox"/> Given on Court's Motion
<input type="checkbox"/> Refused	_____ JUDGE	

**5013. Deadlocked Jury Admonition**

You should reach a verdict if you reasonably can. You have spent time trying to reach a verdict and this case is important to the parties so that they can move on with their lives with this matter resolved. Please carefully consider the opinions of all the jurors, including those with whom you disagree. Keep an open mind and feel free to change your opinion if you become convinced that it is wrong. You should not, however, surrender your beliefs concerning the truth and the weight of the evidence. Each of you must decide the case for yourself and not merely go along with the conclusions of your fellow jurors.

1	<input type="checkbox"/> Requested by Plaintiff	<input type="checkbox"/> Requested by Defendant	<input type="checkbox"/> Requested by:
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3	<input type="checkbox"/> Given as requested	<input type="checkbox"/> Given as Modified	<input type="checkbox"/> Given on Court's Motion
4	<input type="checkbox"/> Refused		
5	_____		
6	JUDGE		

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10 **5014. Substitution of Alternate Juror**

11 One of your fellow jurors has been excused and an alternate juror has been selected to join the jury.  
 12 Do not consider this substitution for any purpose.

13 The alternate juror must participate fully in the deliberations that lead to any verdict. The parties have  
 14 the right to a verdict reached only after full participation of the jurors whose votes determine that  
 15 verdict. This right will only be assured if you begin your deliberations again, from the beginning.  
 Therefore, you must set aside and disregard all past deliberations and begin your deliberations all over  
 again. Each of you must disregard the earlier deliberations and decide this case as if those earlier  
 deliberations had not taken place.

16 Now, please return to the jury room and start your deliberations from the beginning.

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1	<input type="checkbox"/> Requested by Plaintiff	<input type="checkbox"/> Requested by Defendant	<input type="checkbox"/> Requested by:
2	<input type="checkbox"/> Given as requested	<input type="checkbox"/> Given as Modified	<input type="checkbox"/> Given on Court's Motion
3	<input type="checkbox"/> Refused		
4	_____		
5	JUDGE		
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10	<b>5015. Instruction to Alternate Jurors on Submission of Case to Jury</b>		
11	The jury will soon begin deliberating, but you are still alternate jurors and are bound by my earlier		
12	instructions about your conduct.		
13	Until the jury is discharged, do not talk about the case or about any of the people or any subject		
14	involved in it with anyone, not even your family or friends, and not even with each other. Do not have		
15	any contact with the deliberating jurors. Do not decide how you would vote if you were deliberating.		
16	Do not form or express an opinion about the issues in this case, unless you are substituted for one of		
17	the deliberating jurors.		
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JOINT JURY INSTRUCTIONS



## NOTES