

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

Instruction  
No 1

Request by Plaintiff		Request by Defendant		Requested by	
Given as Proposed		Given as Modified		Given on Court's Motion	
Refused					
Withdrawn					
_____ Judge					

Instruction  
No 1

**[Name of plaintiff] cannot recover damages from [name of defendant], even if the statement(s) [was/were] false, unless [name of plaintiff] also proves**

- 1. That in making the statement(s), [name of defendant] acted with hatred or ill will toward [him/her], showing [name of defendant]'s willingness to vex, annoy, or injure [him/her]; or**
- 2. That [name of defendant] had no reasonable grounds for believing the truth of the statement(s).**

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*New September 2003; Revised June 2014*