

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Withdrawn			Judge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).**

New September 2003; Revised June 2014