

2442. Protected Disclosure by State Employee—California Whistleblower Protection Act—Essential Factual Elements (Gov. Code, § 8547.8(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Withdrawn			Judge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] claims that [he/she/nonbinary pronoun] made a protected disclosure in good faith and that [name of defendant] discharged [him/her/nonbinary pronoun] as a result. In order to establish this claim, [name of plaintiff] must prove all of the following:

1. That [name of plaintiff] [specify protected disclosure, e.g., reported waste, fraud, abuse of authority, violation of law, threats to public health, bribery, misuse of government property];
2. That [name of plaintiff]'s communication [disclosed/ [or] demonstrated an intention to disclose] evidence of [an improper governmental activity/ [or] a condition that could significantly threaten the health or safety of employees or the public];
3. That [name of plaintiff] made this communication in good faith [for the purpose of remediating the health or safety condition];
4. That [name of defendant] discharged [name of plaintiff];
5. That [name of plaintiff]'s communication was a contributing factor in [name of defendant]'s decision to discharge [name of plaintiff];
6. That [name of plaintiff] was harmed; and
7. That [name of defendant]'s conduct was a substantial factor in causing [name of plaintiff]'s harm.