

13-408. Apparent authority; reliance.

The defendant, _____ (*name of alleged employer*), may, if there has been no actual employment, with right to control, nonetheless be liable for the acts or omissions of _____ (*name of alleged apparent employee*), if:

1. _____ (*name of alleged employer*) by [his] [her] [its] statements, acts or conduct led the plaintiff to reasonably believe _____ (*name of apparent employee*) was defendant's employee.

[No direct communication between plaintiff and _____ (*name of alleged employer*) employer is required; the statements, acts or conduct may consist of those made to the public in general.]

2. Plaintiff dealt with _____ (*name of apparent employee*) in justifiable reliance upon representations of _____ (*name of alleged employer*);

[3. At the time of the injury _____ (*name of apparent employee*) was acting in the scope of the apparent employment.]

USE NOTE

This instruction is to be used together with UJI 13-403 when apparent authority is an issue. The bracketed language in paragraph number 1 is appropriate when the communication is not direct. If the scope of apparent authority is also in issue, then the bracketed paragraph number 3 should be included and UJI 13-407 should follow this instruction.

[As amended, effective January 1, 1987; November 1, 1991.]