

640.25 EMPLOYMENT RELATIONSHIP - BLACKLISTING.

The (*state number*) issue reads:

"Did the defendant unlawfully [prevent] [attempt to prevent] the plaintiff from obtaining employment?"

On this issue the burden of proof is on the plaintiff. This means that the plaintiff must prove, by the greater weight of the evidence, two things:<sup>1</sup>

First, the defendant had been the plaintiff's employer and had discharged the plaintiff from its service.

Second, without solicitation, the defendant by oral or written communication [prevented] [attempted to prevent] the plaintiff from obtaining employment with another employer. (It would be lawful for the defendant, upon request by a [person] [company] to whom the plaintiff has applied for employment, to provide a truthful statement of the reason the defendant discharged the plaintiff.)<sup>2</sup>

Finally, as to this issue on which the plaintiff has the burden of proof, if you find by the greater weight of the evidence that the defendant unlawfully [prevented] [attempted to prevent] the plaintiff from obtaining employment, then it would be your duty to answer this issue "Yes" in favor of the plaintiff.

If, on the other hand, you fail to so find, then it would be your duty to answer this issue "No" in favor of the defendant.

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1. *Wright v. Fiber Industries, Inc.*, 60 N.C. App. 486, 299 S.E.2d 284 (1983).

2. *Friel v. Angell Care, Inc.*, 113 N.C. App. 505, 440 S.E.2d (1994).

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