

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

PAUL LAWRENCE,)
)
 Plaintiff,)
)
 v.) No. 06-2095 JPM/TMP
)
 SMITHKLINE BEECHAM)
 CORPORATION d/b/a)
 GLAXOSMITHKLINE,)
)
 Defendant.)

SUPPLEMENTAL JURY INSTRUCTIONS/SUBSTANTIAL MOTIVATING FACTOR

The following question has been received from the jury: "We need clarification on the word "substantial factor" in question number two. Does it mean a part or a major part or what part?"

Answer: In the instructions, the Court has included a definition of substantial motivating factor. That definition applies to the word "substantial factor" in question number 2 of the Jury Instructions.

"A substantial motivating factor is a factor that played a part in Defendant's decision to terminate the Plaintiff. In showing the Plaintiff's good faith report of electrical code violations and/or refusal to remain silent was a motivating factor, Plaintiff is not required to prove that his report of

code violations was the sole motivation or even the primary motivation for the Defendant's decision. Plaintiff need only prove that his report and/or refusal to remain silent played a part in Defendant's decision even though other factors may also have motivated the Defendant."

You have specifically inquired as to whether or not "substantial motivating factor" means "a major part" in Defendant's decision to terminate the Plaintiff. The term "substantial motivating factor" has been accurately defined as I previously set out. To the degree that your use of the word "major" might suggest some percentage of responsibility (for example, over fifty (50%) percent) that would be an erroneous concept to use in defining the term "substantial motivating factor" for purposes of these instructions. To be a substantial motivating factor, it is only necessary that the factor be an important or significant factor, that is, that it "played a part in the Defendant's decision to terminate the Plaintiff." It need not be the primary motivation for the Defendant's decision.

You should, of course, always keep in mind that you must apply all the Court's instructions in the case and not single out or disregard any portion of the Court's instructions in reaching your decision.