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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BENJAMIN PHILLIPS, an individual)
)
) *Plaintiff*)
)
) vs.)
)
) CHIEF WILLIAM BRATTON, CITY OF)
) LOS ANGELES, a local public entity,)
) SERGEANTS BURRUS and MENDEZ,)
) OFFICERS GUITERMAN, THUSING and)
) EGUEZ and DOES 1-10)
)
) *Defendants.*)

Case No. CV 07-00873CAS(VBKx)
Honorable Christina A. Snyder
Courtroom 5

[PROPOSED]
“AMENDED” JUDGMENT AFTER TRIAL BY JURY

This action came on regularly for trial on October 14, 2008, in Courtroom 5 of the United States District Court for the Central District of California before the Honorable Christina A. Snyder, Judge. Plaintiff BENJAMIN PHILLIPS was represented by John Raphling and Paul Hoffman. The Defendants, CITY OF LOS ANGELES, WILLIAM J. BRATTON, and DAVID GUITERMAN, were represented by Deputy City Attorney Surekha A. Pessis and Deputy City Attorney Christian R. Bojorquez.

A jury of eight (8) persons were regularly empaneled and sworn. Witnesses were sworn and testified and documentary evidence was introduced and admitted into evidence. After hearing the evidence and arguments of counsel, the jury was duly instructed by the Court and the cause was submitted to the jury with directions to return a verdict on the issues if, after proper deliberations, they could do so. The jury deliberated

1 and thereafter returned to the court with their unanimous verdict as follows, to-wit:

2
3 **JURY VERDICT**
4

5 “TITLE OF COURT AND CAUSE”

6 “WE, THE JURY, in the above-entitled action, unanimously find on the questions
7 presented as follows:

8
9 **QUESTION NO. 1:**

10 Did Plaintiff Benjamin Phillips prove by a preponderance of the evidence that
11 Officer David Guiterman used excessive force against him?

12
13 *Answer (check “yes” or “no”):*

14 Yes _____ No

15
16 If you answered “No,” to Question No. 1, please sign and date the Verdict Form at
17 page 2.

18 If you answered “Yes,” please proceed to Question No. 2.

19
20 **QUESTION NO. 2:**

21 If you find that Officer David Guiterman used excessive force against Plaintiff
22 Benjamin Phillips was officer David Guiterman’s conduct malicious, oppressive or in
23 reckless disregard of Plaintiff’s rights.?

24
25 If you answered “No,” please proceed to Page 3 and sign the Verdict Form.

26 If you answered “Yes,” please proceed to Page 3 and sign the Verdict Form.

27
28 Yes _____ No _____

1 **The foreperson is required to sign below once you have reached your unanimous**
2 **verdict.**

3
4 Dated: October ____, 2008

_____ [Signed by _____]

5 FOREPERSON OF THE JURY

6
7 **JUDGMENT**

8
9 Therefore, ***IT IS HEREBY ORDERED, DECREED AND ADJUDGED*** that
10 judgment on the merits be entered in favor of Defendants CITY OF LOS ANGELES, a
11 local public entity, CHIEF WILLIAM BRATTON, an individual, OFFICERS DAVID
12 BURRUS and DAVID GUTERMAN and against Plaintiff BENJAMIN PHILLIPS; that
13 Plaintiff BENJAMIN PHILLIPS take nothing; and that Defendants CITY OF LOS
14 ANGELES, a local public entity, CHIEF WILLIAM BRATTON, an individual,
15 OFFICERS DAVID BURRUS AND DAVID GUTERMAN be entitled to recover from
16 Plaintiff BENJAMIN PHILLIPS, their costs relating to the defense of this action, per the
17 cost bill in the amount of \$_____. (To be determined from the
18 Bill of Costs.)

19
20
21 Dated: November 14, 2008



22 _____
23 CHRISTINA A. SNYDER
24 United States District Judge
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