

1 received; and after being duly instructed by the court, the jury deliberated and thereon
2 returned the following special verdict:

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JUDGMENT ON SPECIAL VERDICT

“TITLE OF COURT AND CAUSE”

“WE, THE JURY, IN THE ABOVE-ENTITLED CAUSE, UNANIMOUSLY
FIND AS FOLLOWS:

Please answer by unanimous vote the following questions by placing an X in the
space following the appropriate response:

QUESTION NO. 1:

Has plaintiff George Barton, III proved by a preponderance of the evidence that
defendants used excessive force when they took him into custody?

Carlos Lozano	Yes _____	No <u> X </u>
Matthew Stickney	Yes _____	No <u> X </u>
Grant Gooseby	Yes _____	No <u> X </u>
Salvador Cervantes	Yes _____	No <u> X </u>

If your answer to Question #1 is “yes” for any of the officers, then proceed to
Question #2. If your answer to Question #1 is “no” for all of the officers then skip to
question #3.

1 **QUESTION NO. 2:**

2 Has plaintiff George Barton, III proved by a preponderance of the evidence that
3 defendants' use of excessive force was the moving force that caused the ultimate injury
4 to him?

5 Carlos Lozano	Yes _____	No _____
6 Matthew Stickney	Yes _____	No _____
7 Grant Gooseby	Yes _____	No _____
8 Salvador Cervantes	Yes _____	No _____

9

10 Proceed to Question #3.

11

12 **QUESTION NO. 3:**

13 Has plaintiff George Barton, III proved by a preponderance of the evidence that
14 defendants arrested Plaintiff without probable cause?

15 Carlos Lozano	Yes _____	No <u>X</u>
16 Matthew Stickney	Yes _____	No <u>X</u>
17 Grant Gooseby	Yes _____	No <u>X</u>
18 Salvador Cervantes	Yes _____	No <u>X</u>

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20 If your answer to Question #3 is "yes" for any of the officers, then proceed to
21 Question #4. If your answer to Question #3 is "no" for all of the officers then skip to
22 Question #5.

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1 **QUESTION NO. 4:**

2 Has plaintiff George Barton, III proved by a preponderance of the evidence that
3 defendants' unreasonable seizure of him (arrest without probable cause) was the
4 moving force that caused the ultimate injury to him?

- 5 Carlos Lozano Yes _____ No _____
- 6 Matthew Stickney Yes _____ No _____
- 7 Grant Gooseby Yes _____ No _____
- 8 Salvador Cervantes Yes _____ No _____

9
10 Proceed to Question #5.

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12 **QUESTION NO. 5:**

13 As to George Barton, III, if you determined that any defendant was a cause of
14 harm in any of the above questions 2 or 4, what are the damages suffered by George
15 Barton III?

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17 \$ 0

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19 **QUESTION NO. 6:**

20 Did Plaintiff Lauren Barton prove by a preponderance of the evidence that
21 Defendants' Conduct was outrageous?

- 22 Carlos Lozano Yes _____ No X
- 23 Matthew Stickney Yes _____ No X
- 24 Grant Gooseby Yes _____ No X
- 25 Salvador Cervantes Yes _____ No X

26 If your answer to Question #6 is "yes" for any of the officers, then proceed to
27 Question #7. If your answer to Question #6 is "no" for all of the officers then skip to
28 question #10.

1 **QUESTION NO. 7:**

2 Did the following defendants act with reckless disregard of the probability that
3 Lauren Barton would suffers severe emotional distress knowing that Lauren Barton was
4 present when the conduct occurred?

- | | | | |
|---|--------------------|----------|---------|
| 5 | Carlos Lozano | Yes ____ | No ____ |
| 6 | Matthew Stickney | Yes ____ | No ____ |
| 7 | Grant Gooseby | Yes ____ | No ____ |
| 8 | Salvador Cervantes | Yes ____ | No ____ |

9
10 If your answer to Question #7 is “yes” for any of the officers, then proceed to
11 Question #8. If your answer to Question #7 is “no” for all of the officers then skip to
12 question #10.

13
14 **QUESTION NO. 8:**

15 Was the following defendants’ conduct a substantial factor in causing Lauren
16 Barton severe emotional distress?

- | | | | |
|----|--------------------|----------|---------|
| 17 | Carlos Lozano | Yes ____ | No ____ |
| 18 | Matthew Stickney | Yes ____ | No ____ |
| 19 | Grant Gooseby | Yes ____ | No ____ |
| 20 | Salvador Cervantes | Yes ____ | No ____ |

21
22 If your answer to Question #8 is “yes” for any of the officers, then proceed to
23 Question #9. If your answer to Question #8 is “no” for all of the officers then skip to
24 question 10.

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1 **QUESTION NO. 9:**

2 What are the damages suffered by Lauren Barton?

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4 \$ _____

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6 **QUESTION NO. 10:**

7 Did Plaintiff Geanna Barton prove by a preponderance of the evidence that
8 Defendants' conduct was outrageous?

9 Carlos Lozano	Yes _____	No <u>X</u>
10 Matthew Stickney	Yes _____	No <u>X</u>
11 Grant Gooseby	Yes _____	No <u>X</u>
12 Salvador Cervantes	Yes _____	No <u>X</u>

13
14 If your answer to Question #10 is "yes" for any of the officers, then proceed to
15 Question #11. If your answer to Question #10 is "no" for all of the officers then skip to
16 question #14.

17
18 **QUESTION NO. 11:**

19 Did the following defendants act with reckless disregard of the probability that
20 Geanna Barton would suffer severe emotional distress knowing that Geanna Barton was
21 present when the conduct occurred?

22 Carlos Lozano	Yes _____	No _____
23 Matthew Stickney	Yes _____	No _____
24 Grant Gooseby	Yes _____	No _____
25 Salvador Cervantes	Yes _____	No _____

26 If your answer to Question #11 is "yes" for any of the officers, then proceed to
27 Question #12. If your answer to Question #11 is "no" for all of the officers then skip to
28 question #14.

1 **QUESTION NO. 12:**

2 Was the following defendants' conduct a substantial factor in causing Geanna
3 Barton's severe emotional distress?

- | | | | |
|---|--------------------|-----------|----------|
| 4 | Carlos Lozano | Yes _____ | No _____ |
| 5 | Matthew Stickney | Yes _____ | No _____ |
| 6 | Grant Gooseby | Yes _____ | No _____ |
| 7 | Salvador Cervantes | Yes _____ | No _____ |

8
9 If your answer to Question #12 is "yes" for any of the officers, then proceed to
10 Question #13. If your answer to Question #12 is "no" for all of the officers then skip to
11 question 14.

12
13 **QUESTION NO. 13:**

14 What are the damages suffered by Geanna Barton?

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16 \$ _____

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18 **QUESTION NO. 14:**

19 Did Plaintiff George Barton IV prove by a preponderance of the evidence that
20 Defendants' conduct was outrageous?

- | | | | |
|----|--------------------|-----------|---------------|
| 21 | Carlos Lozano | Yes _____ | No <u> X </u> |
| 22 | Matthew Stickney | Yes _____ | No <u> X </u> |
| 23 | Grant Gooseby | Yes _____ | No <u> X </u> |
| 24 | Salvador Cervantes | Yes _____ | No <u> X </u> |

25 If your answer to Question #14 is "yes" for any of the officers, then proceed to
26 Question #15. If your answer to Question #14 is "no" for all of the officers then skip to
27 question #17.

1 **QUESTION NO. 15:**

2 Did the following defendants act with reckless disregard of the probability that
3 George Barton, IV would severe suffer emotional distress knowing that George Barton
4 IV was present when the conduct occurred?

- 5 Carlos Lozano Yes ____ No ____
- 6 Matthew Stickney Yes ____ No ____
- 7 Grant Gooseby Yes ____ No ____
- 8 Salvador Cervantes Yes ____ No ____

9
10 If your answer to Question #15 is “yes” for any of the officers, then proceed to
11 Question #16. If your answer to Question #15 is “no” for all of the officers then skip to
12 question #18.

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14 **QUESTION NO. 16:**

15 Was the following defendants’ conduct a substantial factor in causing George
16 Barton IV severe emotional distress?

- 17 Carlos Lozano Yes ____ No ____
- 18 Matthew Stickney Yes ____ No ____
- 19 Grant Gooseby Yes ____ No ____
- 20 Salvador Cervantes Yes ____ No ____

21
22 If your answer to Question #16 is “yes” for any of the officers, then proceed to
23 Question #17. If your answer to Question #16 is “no” for all of the officers then skip to
24 question 18.

1 **QUESTION NO. 17:**

2 What are the damages suffered by George Barton IV?

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6 **PROCEED TO QUESTION NO. 18.**

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8 **QUESTION NO. 18:**

9 If you answered any questions in 2 or 4 as “Yes” as to any defendant answer this
10 question, but only as to those defendants for which you marked “Yes” in 2 or 4. Do
11 you find by a preponderance of the evidence that any of the officers acted with malice,
12 oppression, or in reckless disregard for George Barton, III’s rights?

13 Carlos Lozano Yes ____ No ____

14 Matthew Stickney Yes ____ No ____

15 Grant Gooseby Yes ____ No ____

16 Salvador Cervantes Yes ____ No ____

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18 If your answer to Question #18 is “yes” for any of the officers, then proceed to
19 Question #19. If your answer to Question #18 is “no” for all of the officers then skip to
20 question #20.

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1 **QUESTION NO. 19:**

2 As to each of the following officers for whom you marked yes in the prior
3 question, what is the total amount of punitive damages, if any, that you award against
4 the officer in favor of George Barton, III?

5 Carlos Lozano	Yes ____	No ____
6 Matthew Stickney	Yes ____	No ____
7 Grant Gooseby	Yes ____	No ____
8 Salvador Cervantes	Yes ____	No ____

9
10 Proceed to Question #20.

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12 **QUESTION NO. 20:**

13 If you answered any questions in 8 as “Yes” as to any defendant, answer this
14 question, but only as to those defendants for which you marked “Yes” in 8. Do you
15 find by clear and convincing evidence that any of the officers acted with malice,
16 oppression, or in reckless disregard for Lauren Barton’s rights?

17 Carlos Lozano	Yes ____	No ____
18 Matthew Stickney	Yes ____	No ____
19 Grant Gooseby	Yes ____	No ____
20 Salvador Cervantes	Yes ____	No ____

21
22 If you answer to Question #20 is “yes” for any of the officers, then proceed to
23 Question #21. If your answer to Question #20 is “no” for all of the officers then skip to
24 question #22.

1 **QUESTION NO. 21:**

2 As to each of the following officers, what is the total amount of punitive
3 damages, if any, that you award against the officer in favor of Lauren Barton?

- 4 Carlos Lozano _____
- 5 Matthew Stickney _____
- 6 Grant Gooseby _____
- 7 Salvador Cervantes _____

8
9 Proceed to Question #22.

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11 **QUESTION NO. 22:**

12 If you answered any questions in 12 as “Yes” as to any defendant, answer this
13 question, but only as to those defendants for which you marked “Yes” in 12. Do you
14 find by clear and convincing evidence that any of the officers acted with malice,
15 oppression, or in reckless disregard for Geanna Barton’s rights?

- 16 Carlos Lozano Yes ____ No ____
- 17 Matthew Stickney Yes ____ No ____
- 18 Grant Gooseby Yes ____ No ____
- 19 Salvador Cervantes Yes ____ No ____

20
21 If your answer to Question #22 is “yes” for any of the officers, then proceed to
22 Question #23. If your answer to Question #22 is “no” for all of the officers then skip to
23 question #24.

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1 **QUESTION NO. 23:**

2 As to each of the following officers, what is the total amount of punitive
3 damages, if any, that you award against the officer in favor of Geanna Barton?

- 4 Carlos Lozano _____
- 5 Matthew Stickney _____
- 6 Grant Gooseby _____
- 7 Salvador Cervantes _____

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9 Proceed to Question #24.

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11 **QUESTION NO. 24:**

12 If you answered any questions in 15 as “Yes” as to any defendant, answer this
13 question, but only as to those defendants for which you marked “Yes” in 15. Do you
14 find by clear and convincing evidence that any of the officers acted with malice,
15 oppression, or in reckless disregard for George Barton, IV’s rights?

- 16 Carlos Lozano Yes ____ No ____
- 17 Matthew Stickney Yes ____ No ____
- 18 Grant Gooseby Yes ____ No ____
- 19 Salvador Cervantes Yes ____ No ____

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21 If you answer to Question #24 is “yes” for any of the officers, then proceed to
22 Question #25. If your answer to Question #25 is “no” for all of the officers, Sign and
23 Date this form.

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1 **JUDGMENT**

2 **THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

- 3 1. That judgment be, and hereby is, entered in favor of the Defendants and
4 against the Plaintiffs;
- 5 2. That the Plaintiffs shall take nothing;
- 6 3. That the Defendants recover their costs of suit herein.

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9 DATED: May 20, 2012.

10 HONORABLE S. JAMES OTERO
11 UNITED STATES DISTRICT COURT JUDGE
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