



1 ELIMELEC LEMUS-MORALES, CORY NAKAMURA, MICHAEL  
2 NALBORCZYK, DET. DEBBIE PROSSER, GUS RAMIREZ, DET. MARIE  
3 SADANAGA, LISA TAGG, MATTHEW WHITELAW, SGT. DOUGLAS  
4 WINGER and SGT. CHARLES WUNDER were present and represented by  
5 attorneys Colleen R. Smith and Lisa W. Lee. Defendant KEVIN BAYONA is  
6 hereby dismissed with prejudice from this matter.

7 The trial was bifurcated, with phase I addressing liability and compensatory  
8 damages only.

9 A jury of 8 persons was regularly impaneled and sworn on February 7, 2017.  
10 Witnesses were sworn and testified. On February 14, 2017, following the  
11 presentation of evidence and argument during a jury trial which concluded February  
12 14, 2017, the jury, in the above-entitled action, UNANIMOUSLY found as follows:

13  
14 **JUDGMENT ON SPECIAL VERDICT**

15 WE, THE JURY in the above-entitled action, unanimously find as follows on  
16 the questions submitted to us:

17  
18 QUESTION NO. 1: Has Plaintiff Medjes proved by a preponderance of the  
19 evidence that any of the following Defendants violated his Fourth Amendment  
20 Constitutional Rights by using excessive force against him?

21 *Answer (check "Yes" or "No") following the name of each Defendant:*

22			
23	FRANCISCO MARAVILLA	YES_____	NO <u>✓</u>
24	ELIMELEC LEMUS-MORALES	YES_____	NO <u>✓</u>
25	MICHAEL NALBORCZYK	YES_____	NO <u>✓</u>
26	GUS RAMIREZ	YES_____	NO <u>✓</u>
27	LISA TAGG	YES_____	NO <u>✓</u>
28	MATTHEW WHITELAW	YES_____	NO <u>✓</u>

1 CHARLES WUNDER YES \_\_\_\_\_ NO ✓

2 *If you answered "No" as to each of the Defendants, please date and sign this form*  
3 *where indicated below and return to the form to the Court.*

4 *If you answered "Yes" as to any Defendant, proceed to Question No. 2.*

5  
6 QUESTION NO. 2: For each "Yes" response you gave to Question No. 1, do you  
7 find that Plaintiff Medjes has proved by a preponderance of the evidence that the  
8 Defendant's conduct was the cause of injury to him? (If you responded "No" with  
9 respect to a particular Defendant in Question No. 1, do not answer Question No. 2  
10 with respect to that Defendant.)

11 *Answer (check "Yes" or "No") following the name of each Defendant:*

12 FRANCISCO MARAVILLA YES \_\_\_\_\_ NO \_\_\_\_\_

13 ELIMELEC LEMUS-MORALES YES \_\_\_\_\_ NO \_\_\_\_\_

14 MICHAEL NALBORCZYK YES \_\_\_\_\_ NO \_\_\_\_\_

15 GUS RAMIREZ YES \_\_\_\_\_ NO \_\_\_\_\_

16 LISA TAGG YES \_\_\_\_\_ NO \_\_\_\_\_

17 MATTHEW WHITELAW YES \_\_\_\_\_ NO \_\_\_\_\_

18 CHARLES WUNDER YES \_\_\_\_\_ NO \_\_\_\_\_

19  
20 *Please proceed to Question No. 3.*

21  
22 QUESTION NO. 3: Has Plaintiff Medjes proved by a preponderance of the  
23 evidence that any of the following Defendants failed to intervene to prevent a  
24 violation of his Fourth Amendment Constitutional Rights?

25 *Answer (check "Yes" or "No") following the name of each Defendant:*

26 FRANCISCO MARAVILLA YES \_\_\_\_\_ NO ✓

27 ELIMELEC LEMUS-MORALES YES \_\_\_\_\_ NO ✓

28 MICHAEL NALBORCZYK YES \_\_\_\_\_ NO ✓

1	GUS RAMIREZ	YES _____	NO <u>✓</u> _____
2	LISA TAGG	YES _____	NO <u>✓</u> _____
3	MATTHEW WHITELOW	YES _____	NO <u>✓</u> _____
4	CHARLES WUNDER	YES _____	NO <u>✓</u> _____

5

6 *If you answered "No" as to each of the Defendants, please proceed to Question No.*  
7 *5.*

8 *If you answered "Yes" as to any Defendant, proceed to Question No. 4.*

9

10 QUESTION NO. 4: For each "Yes" response you gave to Question No. 3, do you  
11 find that Plaintiff Medjes has proved by a preponderance of the evidence that the  
12 Defendant's conduct was the cause of injury to him? (If you responded "No" with  
13 respect to a particular Defendant in Question No. 3, do not answer Question No. 4  
14 with respect to that Defendant.)

15 *Answer (check "Yes" or "No") following the name of each Defendant:*

16	FRANCISCO MARAVILLA	YES _____	NO _____
17	ELIMELEC LEMUS-MORALES	YES _____	NO _____
18	MICHAEL NALBORCZYK	YES _____	NO _____
19	GUS RAMIREZ	YES _____	NO _____
20	LISA TAGG	YES _____	NO _____
21	MATTHEW WHITELOW	YES _____	NO _____
22	CHARLES WUNDER	YES _____	NO _____

23

24 *Please proceed to Question No. 5.*

25

26 QUESTION NO. 5: *Only answer the following question if you gave any "Yes"*  
27 *responses to Question Nos. 2 or 4. If you gave only "No" responses to Question*  
28 *Nos. 2 and 4, please date and sign this form where indicated below.*



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3 SADANAGA, LISA TAGG, MATTHEW WHITELAW, SGT. DOUGLAS  
4 WINGER and SGT. CHARLES WUNDER and that Defendants shall recover their  
5 costs in accordance with Local Rule 54.  
6

7 ***JUDGMENT IS HEREBY ENTERED IN FAVOR OF ALL DEFENDANTS ON***  
8 ***ALL CLAIMS.***  
9

10 ***IT IS SO ORDERED.***  
11

12 DATED: March 21, 2017

  
\_\_\_\_\_  
**HONORABLE DEAN D. PREGERSON**  
**UNITED STATES DISTRICT COURT JUDGE**

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