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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

DENNIS G. CLAIBORNE,)	Case No. 2:10-cv-02427-VAP
)	
Plaintiff,)	Final Judgment
)	
v.)	
)	
BLAUSER, ET AL.,)	
)	
Defendants.)	

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

This action came on regularly for trial on October 20, 2015, in Courtroom 4 of the above entitled Court, the Honorable Virginia A. Phillips, United States District Judge presiding. Plaintiff Dennis Claiborne represented himself in this action, and Defendants J. Blausner and G. Martin appeared by their attorneys Timothy H. Delgado and Kelly A. Samson, Deputy Attorney Generals of California.

1 A jury of seven persons was regularly impaneled and sworn
2 to try the action. Witnesses were sworn and testified.
3

4 On October 22, 2015, after hearing the evidence, the
5 arguments of counsel, and the instructions given to the jury
6 on excessive force and deliberate indifference under the
7 Eighth Amendment, the jury retired to consider its verdict,
8 and on October 22, 2015, returned its verdict as to both
9 claims raised against each defendant by way of answers to the
10 questions propounded to it, as follows:
11

12 **8th Amendment -- Excessive Force**
13

14 **Question 1:** Did Defendant Blauser use excessive and
15 unnecessary force on Plaintiff?

16 **(Answer yes or no)**

17 Blauser: No

18 If you answered "yes" to Question 1, please proceed to
19 Question 2. If you answered "no" to Question 1, please skip
20 Questions 2 and 3, and proceed directly to Question 4.

21 **Question 2:** Did Defendant Blauser act maliciously and
22 sadistically for the purpose of causing harm?

23 **(Answer yes or no)**

24 Blauser: _____

25 If you answered "yes" to Question 2, please proceed to
26 Question 3. If you answered "no" to Question 2, please skip
27 Question 3, and proceed directly to Question 4.
28

1 **Question 3:** Did Defendant Blauser’s acts cause harm to
2 Plaintiff?

3 **(Answer yes or no)**

4 Blauser: _____

5 Please proceed to answer Question 4.

6 **Eighth Amendment -- Deliberate Indifference**
7 **to Serious Medical Needs**
8

9 **Question 4:** Did Plaintiff face a substantial risk of
10 serious harm when Defendant Blauser secured Plaintiff’s cane
11 or handcuffed him behind his back?

12 **(Answer yes or no)**

13 Blauser: No

14 If you answered “yes” to Question 4, please proceed to
15 Question 5. If you answered “no” to Question 4, please skip
16 Questions 5 and 6, and proceed directly to Question 7.

17 **Question 5:** If you find that Plaintiff faced a
18 substantial risk of serious harm, did Defendant Blauser know
19 about and disregard it by failing to take reasonable measures
20 to address it?

21 **(Answer yes or no)**

22 Blauser: _____

23 If you answered “yes” to Question 5, please proceed to
24 Question 6. If you answered “no” to Question 5, please skip
25 Question 6, and proceed directly to Question 7.

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1 **Question 6:** Did Defendant Blauser's actions in securing
2 Plaintiff's cane or handcuffing him behind his back cause
3 harm to Plaintiff?

4 **(Answer yes or no)**

5 Blauser: _____

6 If you answered "yes" to Questions 1, 2, and 3, or "yes"
7 to Questions 4, 5, and 6, or "yes" to Questions 1 through 6,
8 please answer Question 7.

9 **Question 7:** If you found that Defendant Blauser violated
10 Plaintiff's rights on either of his Eighth Amendment claims,
11 what is the amount of compensatory damages you award
12 Plaintiff?

13 **(Answer yes or no)**

14 Blauser: _____

15 STOP HERE. The jury foreperson shall sign and date this
16 verdict form and return it to the Court.

17 Dated: October 22, 2015

By: _____/s/_____
JURY FOREPERSON

19 **8th Amendment -- Excessive Force**

20
21 **Question 1:** Did Defendant Martin use excessive and
22 unnecessary force on Plaintiff?

23 **(Answer yes or no)**

24 Martin: No

25 If you answered "yes" to Question 1, please proceed to
26 Question 2. If you answered "no" to Question 1, please skip
27 Questions 2 and 3, and proceed directly to Question 4.

1 **Question 2:** Did Defendant Martin act maliciously and
2 sadistically for the purpose of causing harm?

3 **(Answer yes or no)**

4 Martin: _____

5 If you answered "yes" to Question 2, please proceed to
6 Question 3. If you answered "no" to Question 2, please skip
7 Question 3, and proceed directly to Question 4.

8 **Question 3:** Did Defendant Martin's acts cause harm to
9 Plaintiff?

10 **(Answer yes or no)**

11 Martin: _____

12 Please proceed to answer Question 4.

13
14 **Eighth Amendment -- Deliberate Indifference**
15 **to Serious Medical Needs**

16 **Question 4:** Did Plaintiff face a substantial risk of
17 serious harm when Defendant Martin secured Plaintiff's cane
18 or handcuffed him behind his back?

19 **(Answer yes or no)**

20 Martin: No

21 If you answered "yes" to Question 4, please proceed to
22 Question 5. If you answered "no" to Question 4, please skip
23 Questions 5 and 6, and proceed directly to Question 7.

24 **Question 5:** If you find that Plaintiff faced a
25 substantial risk of serious harm, did Defendant Martin know
26 about and disregard it by failing to take reasonable measures
27 to address it?

28

1 **(Answer yes or no)**

2 Martin: _____

3 If you answered "yes" to Question 5, please proceed to
4 Question 6. If you answered "no" to Question 5, please skip
5 Question 6, and proceed directly to Question 7.

6 **Question 6:** Did Defendant Martin's actions in securing
7 Plaintiff's cane or handcuffing him behind his back cause
8 harm to Plaintiff?

9 **(Answer yes or no)**

10 Martin: _____

11 If you answered "yes" to Questions 1, 2, and 3, or "yes"
12 to Questions 4, 5, and 6, or "yes" to Questions 1 through 6,
13 please answer Question 7.

14 **Question 7:** If you found that Defendant Martin violated
15 Plaintiff's rights on either of his Eighth Amendment claims,
16 what is the amount of compensatory damages you award
17 Plaintiff?

18 **(Answer yes or no)**

19 Martin: _____

20 STOP HERE. The jury foreperson shall sign and date this
21 verdict form and return it to the Court.

22 ###

23
24 The foreperson shall sign and date this verdict form and
25 return it to the Court

26
27 Dated: October 22, 2015

By: _____/s/_____
 JURY FOREPERSON

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The Court orders that such judgment be entered.

Dated: 10/26/15

Virginia A. Phillips

VIRGINIA A. PHILLIPS
United States District Judge