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5	UNITED STATES DISTRICT COURT							
6	NORTHERN DISTRICT OF CALIFORNIA							
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8	GORDON SIMPSON, No. C-06-4837 EMC							
9	Plaintiff,							
10	v. COURT'S PROPOSED VERDICT FORM							
11	(May 12, 2010) OFFICER NGUYEN, OFFICER							
12	WAYBRIGHT, OFFICER CERRUTI, SGT. STANLEY,							
13	Defendants.							
14								
15	We, the jury in the above-entitled action, unanimously find the following special verdict on							
16	the questions submitted to us.							
17								
18	SECTION 1983 CLAIM AGAINST OFFICERS IN INDIVIDUAL CAPACITIES							
19	1. Has Plaintiff Gordon Simpson proven by a preponderance of the evidence that any of							
20	the officer defendants listed below deprived him of his constitutional rights by using							
21	excessive force?							
22	Defendant Officer Nguyen Yes No							
23	Defendant Officer Waybright Yes No							
24	Defendant Officer Cerruti Yes No							
25	Defendant Sgt. Stanley Yes No							
26	If you answered "yes" to any part of Question 1, then proceed to Question 2. If you							
27	answered "no" to <u>all</u> of Question 1, then skip all remaining questions, sign the verdict form where							
28	indicated below, and return the form to the Courtroom Deputy Clerk.							

1		<u>DAMAGES</u>						
2	2.	If you find in favor of Plaintiff Gordon Simpson with respect to his claim against any of						
3		the officer defendants in Question 1, what is the amount of damages that should be						
4		awarded to him?						
5		Amount						
6								
7	3.	Has Plaintiff Gordon Simpson proven by a preponderance of the evidence that he is						
8		entitled to punitive damages wi	th respect to a	ny of the officer de	fendants?			
9		Defendant Officer Nguyen	Yes	No				
10		Defendant Officer Waybright	Yes	No				
11		Defendant Officer Cerruti	Yes	No				
12		Defendant Sgt. Stanley	Yes	No				
13		If you answered "yes" to any part of Question 3 above, then what is the amount of punitive						
14	damages that should be awarded to Mr. Simpson from each defendant for which you answered							
15	"Yes."	,						
16		Defendant Officer Nguyen	Amount					
17		Defendant Officer Waybright	Amount					
18		Defendant Officer Cerruti	Amount					
19		Defendant Sgt. Stanley	Amount					
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## United States District Court For the Northern District of California

## SPECIAL INTERROGATORIES

'		SI ECIAL INTERROGATORIES			
2	4. If	If you have found that at least one of the officer defendants violated Plaintiff Gordon			
3	Si	Simpson's constitutional rights, the Court is required to make additional			
4	determinations. Please answer all of the following special interrogatories (i.e.,				
5	Questions 4(a)-(f)).				
6					
7	a.	When Plaintiff Gordon Simpson and Defendant Officer Nguyen first made			
8		contact, did Plaintiff Gordon Simpson behave in a manner that suggested he was			
9		about to attack Defendant Officer Nguyen?			
10		Yes No			
11					
12	b.	When Plaintiff Gordon Simpson and Defendant Officer Nguyen first made			
13		contact, was there a smell of alcohol coming from Plaintiff Gordon Simpson?			
14		Yes No			
15					
16	c.	Did Plaintiff Gordon Simpson, at any time during the incident in question,			
17		refuse to comply with the commands given to him by the officer defendants?			
18		Yes No			
19					
20	d.	Did Plaintiff Gordon Simpson, at any time during the incident in question, swing			
21		or kicked at any of the officer defendants?			
22		Yes No			
23					
24	e.	Did Plaintiff Gordon Simpson resist the officer defendants' attempt to restrain			
25		and arrest him?			
26		Yes No			
27					
28					

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1	f.	If your answer to 4.e. is "yes," did Plaintiff Gordon Simpson resist while he was
2		on the ground?
3		Yes No
4		
5		
6	Please	have the presiding foreperson sign and date the verdict form where indicated
7	below, and re	eturn the form to the Courtroom Deputy Clerk.
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11	Data da Masa	2010
12 13	Dated: May_	, 2010 Signed:
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