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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GORDON SIMPSON,
Plaintiff,

No. C-06-4837 EMC

v.

**COURT’S PROPOSED VERDICT FORM
(May 12, 2010)**

OFFICER NGUYEN, OFFICER
WAYBRIGHT, OFFICER CERRUTI, SGT.
STANLEY,
Defendants.

We, the jury in the above-entitled action, unanimously find the following special verdict on the questions submitted to us.

SECTION 1983 CLAIM AGAINST OFFICERS IN INDIVIDUAL CAPACITIES

1. Has Plaintiff Gordon Simpson proven by a preponderance of the evidence that any of the officer defendants listed below deprived him of his constitutional rights by using excessive force?

- Defendant Officer Nguyen Yes _____ No _____
- Defendant Officer Waybright Yes _____ No _____
- Defendant Officer Cerruti Yes _____ No _____
- Defendant Sgt. Stanley Yes _____ No _____

If you answered “yes” to any part of Question 1, then proceed to Question 2. If you answered “no” to all of Question 1, then skip all remaining questions, sign the verdict form where indicated below, and return the form to the Courtroom Deputy Clerk.

SPECIAL INTERROGATORIES

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4. If you have found that at least one of the officer defendants violated Plaintiff Gordon Simpson's constitutional rights, the Court is required to make additional determinations. Please answer all of the following special interrogatories (*i.e.*, Questions 4(a)-(f)).

a. When Plaintiff Gordon Simpson and Defendant Officer Nguyen first made contact, did Plaintiff Gordon Simpson behave in a manner that suggested he was about to attack Defendant Officer Nguyen?

Yes _____ No _____

b. When Plaintiff Gordon Simpson and Defendant Officer Nguyen first made contact, was there a smell of alcohol coming from Plaintiff Gordon Simpson?

Yes _____ No _____

c. Did Plaintiff Gordon Simpson, at any time during the incident in question, refuse to comply with the commands given to him by the officer defendants?

Yes _____ No _____

d. Did Plaintiff Gordon Simpson, at any time during the incident in question, swing or kicked at any of the officer defendants?

Yes _____ No _____

e. Did Plaintiff Gordon Simpson resist the officer defendants' attempt to restrain and arrest him?

Yes _____ No _____

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f. If your answer to 4.e. is “yes,” did Plaintiff Gordon Simpson resist while he was on the ground?

Yes _____ No _____

Please have the presiding foreperson sign and date the verdict form where indicated below, and return the form to the Courtroom Deputy Clerk.

Dated: May _____, 2010

Signed: _____