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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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10 ERIC ROBERT DREW,

No. C 07-0726 SI

11 Plaintiff,

12 v.

13 EQUIFAX INFORMATION SERVICES LLC,

14 Defendant.
1516 **DRAFT VERDICT**
1718 *Note to Counsel:*

19 *This form is similar to but not the same as defendant's earlier draft. Defendant's earlier draft*
20 *asked the jury to find actual damages in the event of a negligent violation of the FCRA (defendant's*
21 *part II), but not if it found a willful violation (the form sent the jury directly to part III, skipping the*
22 *actual damage findings). I have changed this by asking the jury to consider actual damages in either*
23 *situation. I have also added nominal damages to the form, in part III.*

24 *Please consider whether this is clear enough to cover a situation where the jury found two or*
25 *more violations, with some negligent and some willful. I believe part III would apply if the jury found*
26 *any willful violation in such a circumstance.*
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ERIC ROBERT DREW,

No. C 07-0726 SI

Plaintiff,

v.

EQUIFAX INFORMATION SERVICES LLC,

Defendant.

VERDICT

I. We, the jury in the above entitled case, find, by a preponderance of the evidence, that Equifax Information Services LLC:

[You must check either (a), (b) or (c).]

(a) _____ did not violate the FCRA *[You are finished and do not need to answer any further questions. The Presiding Juror should date and sign the verdict form.]*

(b) _____ did negligently violate the FCRA. *[Please go to Part II and respond.]*

(c) _____ did willfully violate the FCRA. *[Please go to Part III and respond.]*

1 II. *[If you find that violation is negligent.]*

2 (a) Do you unanimously find that plaintiff proved, by a preponderance of the evidence, that he
3 was caused actual damages as a result of Equifax's violation of the Fair Credit Reporting Act as found
4 above?

5 Yes _____ No _____ *[If your answer is "Yes," proceed to question (b). If your
6 answer is "No," you are finished and do not need to
7 answer any further questions. The Presiding Juror should date and sign the verdict form.]*

8 (b) What is the total amount of actual damages that you unanimously award plaintiff?

9 Monetary loss \$ _____

10 Emotional distress \$ _____ *[You are finished and do not need to
11 answer any further questions. The
12 Presiding Juror should date and sign the
13 verdict form.]*

14 III. *[If you find that violation is willful]*

15 (a) Do you unanimously find that plaintiff proved, by a preponderance of the evidence, that he
16 was caused actual damages as a result of Equifax's violation of the Fair Credit Reporting Act as found
17 above?

18 Yes _____ No _____ *[If your answer is "Yes," proceed to question (b). If your
19 answer is "No," proceed to question (c).]*

20 (b) What is the total amount of actual damages that you unanimously award plaintiff?

21 Monetary loss \$ _____

22 Emotional distress \$ _____ *[Proceed to question (d).]*

23
24 (c) What is the total amount of nominal damages, if any, that you unanimously award
25 plaintiff? *[Must be an amount between \$100 and \$1000.]*

26 Nominal damages \$ _____ *[Proceed to question (d).]*

1 (d) Do you unanimously find that plaintiff proved, by a preponderance of the evidence, that
2 he is entitled to punitive damages as a result of Equifax's willful violation of the Fair Credit Reporting
3 Act?

4 Yes _____ No _____ *[If your answer is "No," you are finished and do*
5 *not need to answer any further questions. The*
6 *Presiding Juror should date and sign the verdict*
7 *form. If your answer is "Yes," please answer the*
8 *next question.]*

9 (e) What is the total amount of punitive damages, if any, that you unanimously award
10 Plaintiff against Equifax?
11 \$ _____

12 Date _____

13 _____
14 PRESIDING JUROR
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