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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALISE MALIKYAR and ROBERT JACOBSEN, No. C 07-03533 WHA

Plaintiffs,

v.

JOHN SRAMEK, BERNADETTE SRAMEK,
HAROLD M. JAFFE, JOHN S. SRAMEK AND
BERNADETTE SRAMEK REMOVABLE LIVING
TRUST AND DOES 1 TO 100, inclusive,

Defendants.

_____ /

SPECIAL VERDICT FORM

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Your answers to the following questions must be unanimous:

1. Have plaintiffs proven by a preponderance of the evidence that any defendant violated the federal wiretapping law?

Harold Jaffe Yes _____ No _____

John Sramek Yes _____ No _____

Bernadette Sramek Yes _____ No _____

2. Have plaintiffs proven by a preponderance of the evidence that any defendant violated California state eavesdropping law?

Harold Jaffe Yes _____ No _____

John Sramek Yes _____ No _____

Bernadette Sramek Yes _____ No _____

3. Have plaintiffs proven by a preponderance of the evidence that any defendant violated the state law against invasion of privacy?

Harold Jaffe Yes _____ No _____

John Sramek Yes _____ No _____

Bernadette Sramek Yes _____ No _____

IF YOU UNANIMOUSLY ANSWER “NO” TO ALL OF THE FOREGOING, THEN YOU ARE DONE, GO TO THE END, AND SIGN AND DATE THE FORM AND ADVISE THE DEPUTY MARSHAL THAT YOU HAVE REACHED A VERDICT.

4. If the answer to any of the foregoing questions is “Yes,” then you must state the amount of actual damages, if any, proven by plaintiff Alise Malikyar, keeping in mind the specific categories of damages eligible for your consideration as set forth in the instructions.

Answer the following question:

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Plaintiff Alise Malikyar asserts a claim for emotional distress due to alleged interception of attorney-client telephone calls. If you find that any such interception of attorney-client telephone calls by defendants has been proven, then state the amount of emotional distress damages you find have been proven due to such interception; otherwise, state "NONE."

\$ _____

5. No other actual damage item has been submitted for your consideration but the federal statutes in question allow the judge to impose a statutory damage award in the amount of \$100 a day per day (up to a maximum of \$10,000) for any proven violations. If you have found any defendant violated the federal wiretapping statute, state the number of days proven for any such wiretap.

_____ DAYS

6. If you find a violation on any claim herein, you must consider further whether plaintiffs have proven by clear and convincing evidence that any such defendants' conduct was malicious or in reckless disregard of plaintiffs' rights so as to warrant an award of punitive damages. Have plaintiffs proven by clear and convincing evidence that they are entitled to punitive damages?

Harold Jaffe	Yes	_____	No	_____
John Sramek	Yes	_____	No	_____
Bernadette Sramek	Yes	_____	No	_____

If your answer to Question No. 6 is "Yes," then a short supplemental proceeding will take place for you to decide the amount of punitive damages.

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CONCLUSION

ONCE YOU HAVE FINISHED ANSWERING THE NECESSARY QUESTIONS UNANIMOUSLY, PLEASE HAVE THE FOREPERSON SIGN AND DATE THIS FORM. THEN CONTACT THE DEPUTY MARSHAL TO INFORM HIM OR HER THAT YOU HAVE COMPLETED YOUR DELIBERATIONS.

Dated: _____

FOREPERSON