1								
2	IN THE UNITED STATES DISTRICT COURT							
3	FOR THE NORTHERN DISTRICT OF CALIFORNIA							
4								
5	MITCHELL ENGINEERING,				No. C 08-04022 SI			
6	P	Plaintiff,						
7	V.							
8	CITY AND COUNTY OF SAN FRANCISCO							
9		and ANTHONY IRONS,						
10		Defendants.		/				
11	SPECIAL VERDICT							
12	SI ECIAL VERDICI							
13	We the jury unanimously find as follows on the questions submitted to us:							
14	We the jo	ary anamin	ously line us	10110 115 0	in the questions submitted to us.			
15	Part I.	laim agair First Amer	st Defendan dment/Publ	ts Anthoi ic Contra	ny Irons and City and County of San Francisco actor Speech)			
16		(First Amendment/Public Contractor Speech)  Did plaintiff Mitchell Engineering prove, by a preponderance of the evidence, all of the						
17	elements necessa				, ., .,			
18		That Mitchell Engofficial duties as a public		ngineering spoke out publicly as a citizen and not as part of its				
19	0.			as a paone works contractor.				
20	$\overline{Y}$	es	No					
21	2.	. That	Anthony Iror	ıs took an	adverse action against Mitchell Engineering.			
22	$\overline{Y}$	es	$\frac{1}{No}$					
23	3.				s speech was a substantial or motivating factor for the			
24	adverse action.							
25	$\overline{\mathbf{y}}$	es	${No}$					
26	1		110					
27	If your answer	If your answer to any of questions I-A(1), A(2) or A(3) was "No," do not answer the following questions, but go directly to Part II. Otherwise, places answer the part questions						
28	questions, but go directly to Part II. Otherwise, please answer the next questions.							
	I							

1	B. Did defendants prove, by a preponderance of the evidence, all of the elements						
2	necessary to establish the following?						
3	1. That the defendant had an adequate justification for treating Mitchell Engineering						
4	differently from other members of the general public.						
5	${\text{Yes}}$ ${\text{No}}$						
6							
7	2. That the defendant would have taken the adverse action even absent Mitch Engineering's protected speech.						
8							
9	Yes No						
10	If your question to either of questions I-B(1) or B(2) was "Yes," please do not answer the following						
11	questions, but go directly to Part II. Otherwise, please answer the next questions.						
12	C. Did plaintiff Mitchell Engineering prove, by a preponderance of the evidence, all of the						
13	elements necessary to establish the following?  1. Susan Leal ratified Anthony Irons' act and the basis for it, that is, Susan Leal knew of and specifically approved of Anthony Iron's acts.						
14							
15	knew of and specifically approved of findiony from 8 dets.						
16	Yes No						
17							
18	Please go to Part II.						
19	Ticase go to Fait II.						
20							
21							
22							
23							
24							
25							
26							
27							
28							

1	Part II.	Claim against Defendant City and County of San Francisco (Procedural Due Process)					
3	A. elements nece	A. Did plaintiff Mitchell Engineering prove, by a preponderance of the evidence, all of the elements necessary to establish the following?					
4 5		1. That in terminating the Central Pump contract, defendant Anthony Irons acted with the specific intent of debarring Mitchell Engineering from the bidding process for public contracts.					
6 7 8		Yes No  2. That in terminating the Central Pump contract, Anthony Irons in fact debarred Mitchell Engineering.					
9 10 11		Yes No  3. That Mitchell Engineering was not provided adequate procedural protections in connection with being debarred.					
12 13 14	:	Yes No  4. Susan Leal ratified Anthony Irons' act and the basis for it, that is, Susan Leal knew of and specifically approved of Irons' acts.					
15 16		Yes No					
17 18		r to any of questions II-A(1), A(2), A(3) or A(4) was "No," do not answer the following go directly to Part III. Otherwise, please answer the next questions.					
19 20	B. necessary to e	Did defendants prove, by a preponderance of the evidence, all of the elements stablish the following?					
21 22		1. That the defendant would have taken the actions that debarred Mitchell Engineering even if the defendant had not actually intended to debar Mitchell Engineering.					
23		Yes No					
<ul><li>24</li><li>25</li></ul>	Please go to P	art III.					
26							
<ul><li>27</li><li>28</li></ul>							

1	Part III:	Damages:					
2	If your answer to Question I-B(1) or I-B(2) was "Yes" or blank, and your answer to Question II-B(1) was "Yes" or blank, do not answer any further questions. Instead, go directly to the end of the verdict form, and sign and date it where indicated. Otherwise, please answer the next questions.						
4 5	A.	Did Mitchell Engineering prove, by a preponderance of the evidence, that it was caused damage by the constitutional violation(s) you have found?					
6		Yes No					
7 8	В.	If so, what is the amount of damages that Mitchell Engineering proved, after taking into account any failure to mitigate damages proved by defendant?					
9		\$					
10							
11							
12	Part IV:	Malicious, Oppressive or Reckless Conduct:					
13	If your answer to Question I-B(1) or I-B(2) was "Yes" or blank, do not answer any questions. Instead, go directly to the end of the verdict form, and sign and date it where ind						
14		lease answer the next question.					
15	A.	Did Mitchell Engineering prove, by a preponderance of the evidence, that the conduc					
16 17		of defendant Anthony Irons in connection with the First Amendment claim both harmed the plaintiff and was malicious, oppressive or in reckless disregard of the plaintiff's rights, as those terms have been defined for you in these instructions?					
18		W					
19		Yes No					
20	Dated:						
21	Dated.	FOREPERSON					
22		FUREFERSON					
23							
24							
25							
26							
27							
28							