

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WANDA JOHNSON, *et al.*,

Plaintiffs,

v.

BAY AREA RAPID TRANSIT DISTRICT,
et al.,

Defendants.

AND RELATED ACTIONS.

No. C-09-0901 EMC

CONSOLIDATED CASES

C-09-4014 EMC (Grant)
C-09-4835 EMC (Bryson, *et al.*)
C-10-0005 EMC (Caldwell)

**SPECIAL VERDICT FORM RE
JOHNTUE CALDWELL**

We, the jury, answer the questions submitted to us as follows.

JOHNTUE CALDWELL

Question 1:

Did JOHNTUE CALDWELL prove a preponderance of the evidence that MARYSOL DOMENICI seized him?

_____ Yes _____ No

If you answered "yes," please answer Question Number 2. If you answered "no," STOP.

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///

1 **Question 2:**

2 Did JOHNTUE CALDWELL prove by a preponderance of the evidence that the seizure by
3 MARYSOL DOMENICI was unreasonable?

4

5 _____ Yes _____ No

6 If you answered “yes,” please answer Question Number 3. If you answered “no,” STOP.

7

8 **Question 3:**

9 Did MARYSOL DOMENICI cause injury to JOHNTUE CALDWELL?

10

11 _____ Yes _____ No

12 If you answered “yes,” please answer Question Numbers 4 and 5. If you answered “no,”
13 STOP.

14

15 **Question 4:**

16 How much in damages (other than punitive damages) is JOHNTUE CALDWELL entitled?

17

18 \$ _____

19

20 **Question 5:**

21 Did JOHNTUE CALDWELL prove by a preponderance of the evidence that MARYSOL
22 DOMENICI’s conduct was malicious, oppressive, or in reckless disregard of JOHNTUE
23 CALDWELL’s rights?

24

25 _____ Yes _____ No

26

27 If you answered “yes,” you now have the opportunity to award punitive damages. An award
28 of punitive damages serves to punish an individual defendant and act as a deterrent for such future

1 conduct, rather than pay someone back for what they lost. The jury may award punitive damages
2 only if it concludes that MARYSOL DOMENICI's conduct was either motivated by malicious,
3 oppressive, or in reckless disregard or indifference to JOHNTUE CALDWELL's rights.

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What, if any, punitive damages do you award to JOHNTUE CALDWELL?

\$ _____

Please have the foreperson sign and date this form. Then return the form to the Courtroom

Deputy.

Dated: _____

JURY FOREPERSON