

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 by 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 and judgment will be entered in favor of Defendant MARYSOL DOMENICI.

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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 and  
7 judgment will be entered in favor of Defendant MARYSOL DOMENICI.

8

9 **Question 3:**

10 Did MARYSOL DOMENICI cause injury to JOHNTUE CALDWELL?

11

12 \_\_\_\_\_ Yes \_\_\_\_\_ No

13 If you answered “yes,” please answer Question Numbers 4 and 5. If you answered “no,”  
14 STOP and judgment will be entered in favor of Defendant MARYSOL DOMENICI.

15 If you answered "yes" to Question Numbers, 1, 2, and 3, judgment will be entered in favor of  
16 Plaintiff JOHNTUE CALDWELL.

17

18 **Question 4:**

19 If you find that JOHNTUE CALDWELL suffered damages (other than punitive damages)  
20 enter that amount here. If, on the other hand, you find that JOHNTUE CALDWELL's rights were  
21 violated, but that he did not suffer any actual damages, you must enter nominal damages in an  
22 amount not to exceed \$1.00.

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24 \$ \_\_\_\_\_

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1 **Question 5:**

2 Did JOHNTUE CALDWELL prove by a preponderance of the evidence that MARYSOL  
3 DOMENICI's conduct was malicious, oppressive, or in reckless disregard of JOHNTUE  
4 CALDWELL's rights?

5

6 \_\_\_\_\_ Yes \_\_\_\_\_ No

7

8 If you answered "yes," you now have the opportunity to award punitive damages. An award  
9 of punitive damages serves to punish an individual defendant and act as a deterrent for such future  
10 conduct, rather than pay someone back for what they lost. The jury may award punitive damages  
11 only if it concludes that MARYSOL DOMENICI's conduct was either motivated by malicious,  
12 oppressive, or in reckless disregard or indifference to JOHNTUE CALDWELL's rights.

13

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

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

24

25 Dated: \_\_\_\_\_

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\_\_\_\_\_  
JURY FOREPERSON

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