

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

EARL YOUNG,

Plaintiff,

No. C 09-01042 JSW

v.

**COURT'S PROPOSED SPECIAL
VERDICT FORM**

T. HOLMES, et al.,

Defendants.

The parties are notified that this constitutes the Court's Proposed Special Verdict Form. If the jurors answer any portion of question 9 in the affirmative, the Court will pose the following question after further testimony is considered.

The parties shall file any objections by 4:00 p.m. on April 24, 2013.

QUESTION TEN

What amount of punitive damages, if any, do you unanimously award Plaintiff from one or more of the following Defendants?

Todd Holmes \$ _____

Michael Bullock \$ _____

Terrance Buchanan \$ _____

Karl Kiplinger \$ _____

IT IS SO ORDERED.

April 23, 2013


JEFFREY S. WHITE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

QUESTION ONE

Do you find by a preponderance of the evidence that one or more of the following defendants, Todd Holmes, Michael Bullock or Terrance Buchanan, deprived Plaintiff of his rights under the Eighth Amendment to the Constitution by using excessive force on him on September 24, 2006?

___ YES ___ NO

If you answered NO, do not answer any more questions. Sign, date, and return this verdict form to the Court. If you answered YES, proceed to question 2.

QUESTION TWO

Which Defendant or Defendants deprived Plaintiff of his rights under the Eighth Amendment to the Constitution by using excessive force on him on September 24, 2006?

- Todd Holmes ___ YES ___ NO
- Michael Bullock ___ YES ___ NO
- Terence Buchanan ___ YES ___ NO

1 **QUESTION THREE**

2 If you answered YES to questions 1 and question 2, did the use of excessive force cause
3 Plaintiff injury?

4 _____ YES _____ NO

5 If you answered NO, skip question 4 and proceed to question 5.

6 **QUESTION FOUR**

7 What is the dollar amount that will reasonably and fairly compensate Plaintiff for any
8 injury he sustained as a result of the Defendant's or Defendants' use of excessive force?

9 \$ _____

10 **QUESTION FIVE**

11 Do you find by a preponderance of the evidence that one or more of the following
12 Defendants, Todd Holmes, Michael Bullock, Terrance Buchanan or Karl Kiplinger, failed to
13 intervene to prevent the Defendant or Defendants you have found used excessive force on
14 Plaintiff from doing so?

15 _____ YES _____ NO

16 If you answered NO, skip questions 6 through 8 and proceed to question 9.

17 **QUESTION SIX**

18 Which Defendant or Defendants failed to intervene to prevent the use of excessive force
19 on Plaintiff?

20 Todd Holmes _____ YES _____ NO

21 Michael Bullock _____ YES _____ NO

22 Terrance Buchanan _____ YES _____ NO

23 Karl Kiplinger _____ YES _____ NO

24 **QUESTION SEVEN**

25 If you answered YES to questions 3 and 4, did the failure to intervene cause Plaintiff
26 injury?

27 _____ YES _____ NO

28 If you answered NO, skip question 8 and proceed to question 9.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

QUESTION EIGHT

Please state the amount that will reasonably and fairly compensate Plaintiff for any injury he sustained as a result of the Defendant's or Defendants' failure to intervene to prevent the use of excessive force?

\$ _____

QUESTION NINE

If you found that any of the Defendants used excessive force on Plaintiff or failed to intervene to prevent the use of excessive force, do you unanimously find that Plaintiff has proven by a preponderance of the evidence that any of the Defendants listed below acted maliciously, oppressively, or in reckless disregard of Plaintiff's constitutional rights?

- Todd Holmes _____ YES _____ NO
- Michael Bullock _____ YES _____ NO
- Terrance Buchanan _____ YES _____ NO
- Karl Kiplinger _____ YES _____ NO

Dated:

FOREPERSON