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

FREDDIE M. DAVIS,

No. C 09-2629 SI

Plaintiff,

v.

JAMES E. AYALA and DARRYL GRIFFITH,

Defendants.

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United States District Court  
For the Northern District of California

**SPECIAL VERDICT**

We the jury unanimously find as follows on the questions submitted to us:

1 **Part I. Claims against Defendant James E. Ayala**

2

3 **A. Section 1983 Claim - Retaliation for Exercise of First Amendment Rights**

4

5 1. Did plaintiff Freddie Davis prove, by a preponderance of the evidence, that defendant James Ayala retaliated against plaintiff Davis for exercising her First Amendment rights?

6

7  Yes  No

8

9 If your answer to this question is “Yes,” then please answer the next question. If your answer to this question is “No,” go directly to Question I-B(1).

10

11

12 2. Did defendant Ayala prove, by a preponderance of the evidence, that he would have taken the same actions against plaintiff Davis even in the absence of the protected conduct?

13

14  Yes  No

15

16 If your answer to this question is “Yes,” go directly to Question I-B(1). If your answer to this question is “No,” then please answer the next question.

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19

20 3. Did plaintiff Davis prove, by a preponderance of the evidence, that she was harmed as a result of defendant Ayala’s actions?

21

22  Yes  No

23

24 Please answer the next question.

25

26

27 **B. Conspiracy Claim - Conspiracy with PHS Management to Retaliate against Plaintiff**

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30 1. Did plaintiff Davis prove, by a preponderance of the evidence, that a conspiracy existed between defendant Ayala and one or more PHS employees?

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32  Yes  No

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34 If your answer to this question is “Yes,” then please answer the next question. If your answer to this question is “No,” go directly to Question II-A(1).

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2. Did plaintiff Davis prove, by a preponderance of the evidence, that the purpose of the conspiracy between defendant Griffith and PHS was to retaliate against plaintiff Davis based on her exercise of her First Amendment rights?

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

If your answer to this question is “Yes,” then please answer the next question. If your answer to this question is “No,” go directly to Part III.

3. Did plaintiff Davis prove, by a preponderance of the evidence, that defendant Griffith committed an act in furtherance of this conspiracy, or caused an act to be committed in furtherance of this conspiracy?

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

If your answer to this question is “Yes,” then please answer the next question. If your answer to this question is “No,” go directly to Part III.

4. Did plaintiff Davis prove, by a preponderance of the evidence, that defendant Griffith’s acts as part of the conspiracy with PHS retaliated against plaintiff based on her exercise of her First Amendment rights?

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

Please go to Part III.



1 **Part IV. Malicious, Oppressive or Reckless Conduct:**

2 Please answer the next two questions.  
3

4 A. Re: Defendant Ayala: Did plaintiff Davis prove, by a preponderance of the evidence, that  
5 the conduct of defendant Ayala both harmed plaintiff and was malicious, oppressive or in reckless  
6 disregard of plaintiffs rights, as those terms have been defined for you in these instructions?

7 Yes No

8 B. Re: Defendant Griffith: Did plaintiff Davis prove, by a preponderance of the evidence, that  
9 the conduct of defendant Griffith both harmed plaintiff and was malicious, oppressive or in reckless  
10 disregard of plaintiffs rights, as those terms have been defined for you in these instructions?

11 Yes No

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14 Dated:

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