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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.

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:

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**Part A. Claims against Defendant James E. Ayala:
Section 1983 Claim - Retaliation for Exercise of First Amendment Rights**

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?

_____ _____
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 B.

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?

_____ _____
Yes No

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

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

_____ _____
Yes No

Please go to Part B.

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**Part B. Claims against Defendant Darryl Griffith:
Section 1983 Claim - Retaliation for Exercise of First Amendment Rights**

1. Did plaintiff Freddie Davis prove, by a preponderance of the evidence, that defendant Darryl Griffith retaliated against plaintiff Davis for exercising 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 C.

2. Did defendant Griffith 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?

Yes No

If your answer to this question is "Yes," go directly to Part C. If your answer to this question is "No," then please answer the next question.

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

Yes No

Please go to Part C.

1 **Part C. Damages**

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If you answered “Yes” to Question A(3) or Question B(3), then answer the following questions; if not, then go to the end of this verdict form, and sign and date it where indicated.

1. Did plaintiff Davis prove, by a preponderance of the evidence, that she suffered harm or injury caused by the retaliatory acts or conduct of either defendant?

Yes _____ No _____

If your answer to this question is “Yes,” then please answer the next question. If your answer to this question is “No,” then go to the end of this verdict form, and sign and date it where indicated

2. What is the amount of damages that plaintiff Davis proved, in accordance with the instructions you have been given and the evidence in the case and after taking into account any failure to mitigate damages proved by defendants?

- 1. Past lost earnings: \$ _____
 - 2. Past medical expenses: \$ _____
 - 3. Present value of future lost earnings: \$ _____
 - 4. Present value of future medical expenses: \$ _____
 - 5. Physical pain, mental suffering and loss of enjoyment of living: \$ _____
- Total (1 + 2 + 3 + 4 + 5): \$ _____

Please go to Part D.

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

2
3 If your answer to Question A(3) was “Yes,” please answer this question; if not, go to the next question:

4 1. 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
8 Yes No

9 If your answer to Question B(3) was “Yes,” please answer this question:

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

13 Yes No

14 Dated:

15 FOREPERSON