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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIEL C. GARCIA,
Plaintiff,

v.

ALEC LANGE and CITY OF SANTA
CLARA,
Defendants.

Case No. [10-cv-02424-SI](#)

JURY VERDICT

We, the jury in the above entitled action, unanimously find as follows on the questions presented to us:

1 **CLAIM I: VIOLATION OF FEDERAL CONSTITUTIONAL RIGHTS UNDER**
2 **42 U.S.C. § 1983**

3 **Question No. 1:**

4 Did plaintiff Daniel C. Garcia prove, by a preponderance of the evidence, that defendant
5 Alec Lange used excessive or unreasonable force against him in the police car outside the Santa
6 Clara Marriott Hotel, as defined in the instructions?

7 Yes _____ No _____

8 Please answer the next question.

9 **Question No. 2:**

10 Did plaintiff, Daniel C. Garcia, prove, by a preponderance of the evidence, that defendant
11 Alec Lange used excessive or unreasonable force against him in the Santa Clara County Main Jail,
12 as defined in the instructions?

13 Yes _____ No _____

14 If your answer to both Question No. 1 and Question No. 2 was “no,” please go to the end of the
15 verdict form, and have the Foreperson date and sign it. Otherwise, please answer the next
16 question.

17
18 **CLAIM II: VIOLATION OF STATE LAW CONCERNING BATTERY BY A POLICE**
19 **OFFICER**

20 **Question No. 3:**

21 Did plaintiff, Daniel C. Garcia, prove, by a preponderance of the evidence, that defendant
22 Alec Lange intentionally touched Garcia or caused Garcia to be touched in the police car at the
23 Santa Clara Marriott and/or at the Santa Clara County Main Jail?

24 Police Car: Yes _____ No _____

25 Main Jail: Yes _____ No _____

26 If your answer to both parts of Question No. 3 was “no,” please go to Question No. 8. Otherwise,
27 please answer the next question.

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Question No. 4:

Did plaintiff Daniel C. Garcia prove, by a preponderance of the evidence, that defendant Alec Lange used unreasonable force in the police car at the Santa Clara Marriott and/or at the Santa Clara County Main Jail?

Police Car: Yes _____ No _____
Main Jail: Yes _____ No _____

If your answer to both parts of Question No. 4 was “no,” please go to Question No. 8. Otherwise, please answer the next question.

Question No. 5:

Did plaintiff Daniel C. Garcia prove, by a preponderance of the evidence, that he did not consent to the use of force in the police car at the Santa Clara Marriott and/or at the Santa Clara County Main Jail?

Police Car: Yes _____ No _____
Main Jail: Yes _____ No _____

If your answer to both parts of Question No. 5 was “no,” please go to Question No. 8. Otherwise, please answer the next question.

Question No. 6:

Did plaintiff Daniel C. Garcia prove, by a preponderance of the evidence, that he was harmed by the use of force in the police car at the Santa Clara Marriott and/or at the Santa Clara County Main Jail?

Police Car: Yes _____ No _____
Main Jail: Yes _____ No _____

If your answer to both parts of Question No. 6 was “no,” please go to Question No. 8. Otherwise, please answer the next question.

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Question No. 7:

Did plaintiff Daniel C. Garcia prove, by a preponderance of the evidence, that defendant Alec Lange’s use of unreasonable force in the police car at the Santa Clara Marriott and/or at the Santa Clara County Main Jail was a substantial factor in causing harm to plaintiff Daniel C. Garcia?

Police Car: Yes _____ No _____
Main Jail: Yes _____ No _____

Please answer the next question.

CLAIM III: VIOLATION OF STATE LAW CONCERNING ASSAULT BY A POLICE OFFICER

Question No. 8:

Did plaintiff Daniel C. Garcia prove, by a preponderance of the evidence, that defendant Alec Lange acted, using unreasonable force, intending to cause a harmful or an offensive contact with plaintiff Daniel C. Garcia or intending to place him in fear of a harmful or offensive contact in the police car at the Santa Clara Marriott and/or at the Santa Clara County Main Jail?

Police Car: Yes _____ No _____
Main Jail: Yes _____ No _____

If your answer to both parts of Question No. 8 was “no,” please go to Question No. 13. Otherwise, please answer the next question.

Question No. 9:

Did plaintiff Daniel C. Garcia prove, by a preponderance of the evidence, that he reasonably believed that he was about to be touched in a harmful or an offensive manner in the police car at the Santa Clara Marriott and/or at the Santa Clara County Main Jail?

Police Car: Yes _____ No _____
Main Jail: Yes _____ No _____

If your answer to both parts of Question No. 9 was “no,” please go to Question No. 13.

1 Otherwise, please answer the next question.

2

3 **Question No. 10:**

4 Did plaintiff Daniel C. Garcia prove, by a preponderance of the evidence, that that he did
5 not consent to defendant Alec Lange’s conduct in the police car at the Santa Clara Marriott and/or
6 at the Santa Clara County Main Jail?

7 Police Car: Yes _____ No _____

8 Main Jail: Yes _____ No _____

9 If your answer to both parts of Question No. 10 was “no,” please go to Question No. 13.
10 Otherwise, please answer the next question.

11

12 **Question No. 11:**

13 Did plaintiff Daniel C. Garcia prove, by a preponderance of the evidence, that he was
14 harmed in the police car at the Santa Clara Marriott and/or at the Santa Clara County Main Jail?

15 Police Car: Yes _____ No _____

16 Main Jail: Yes _____ No _____

17 If your answer to both parts of Question No. 11 was “no,” please go to Question No. 13.
18 Otherwise, please answer the next question.

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21 **Question No. 12:**

22 Did plaintiff Daniel C. Garcia prove, by a preponderance of the evidence, that defendant
23 Alex Lange’s conduct was a substantial factor in causing plaintiff’s harm in the police car at the
24 Santa Clara Marriott and/or at the Santa Clara County Main Jail?

25 Police Car: Yes _____ No _____

26 Main Jail: Yes _____ No _____

27 Please answer the next question.

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DAMAGES

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Question No. 13:

If you answered “yes” to any part of Questions No. 1, No. 2, No 7 or No. 12, please state whether plaintiff Daniel C. Garcia proved, by a preponderance of the evidence, that defendant Lange’s conduct caused any damage to plaintiff.

Yes _____ No _____

If your answer to Question No. 13 was “No,” please go to Question No. 15. Otherwise, please answer the next question

Question No. 14:

What is the amount of damage plaintiff has proved?

\$ _____

Please go to Question No. 16.

Question No. 15:

If you answered any part of Question No. 1 or Question No. 2 “Yes,” but you have found that plaintiff Daniel C. Garcia has failed to prove any damages you must award nominal damages, which may not exceed one dollar (\$1.00). Do you award nominal damages?

If so, in the amount of _____

Please answer the next question.

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Question No. 16:

Did plaintiff Daniel C. Garcia prove, by a preponderance of the evidence, that defendant Alex Lange's conduct was malicious, oppressive, or in reckless disregard of plaintiff's rights, as those terms were defined in the instructions?

Yes _____ No _____

Dated:

FOREPERSON