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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

J. AUGUSTO BASTIDAS,

Plaintiff,

v.

GOOD SAMARITAN HOSPITAL LP and
GOOD SAMARITAN HOSPITAL
MEDICAL STAFF,

Defendants.

Case No. [13-cv-04388-SI](#)

JURY VERDICT FORM

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PART I -- LIABILITY

Re: Implementation of Proctoring Program

Question No. 1:

Did plaintiff, J. Augusto Bastidas, MD, prove, by a preponderance of the evidence, that defendant Good Samaritan Hospital (“Hospital”) subjected him to an adverse employment action by delaying implementation of his proctoring program?

Yes _____ No _____

If your answer to Question No. 1 was “No,” please go to Question No. 3; otherwise, please answer the next question.

Question No. 2:

Did plaintiff, J. Augusto Bastidas, MD, prove, by a preponderance of the evidence, that this adverse employment action (delaying implementation of proctoring) was taken by Hospital because Dr. Bastidas engaged in the protected activity of bringing and pursuing a civil rights lawsuit?

Yes _____ No _____

Please answer the next question.

Question No. 3:

Did plaintiff, J. Augusto Bastidas, MD, prove, by a preponderance of the evidence, that defendant Good Samaritan Hospital Medical Staff (“Medical Staff”) subjected him to an adverse employment action by delaying implementation of his proctoring program?

Yes _____ No _____

If your answer to Question No. 3 was “No,” please go to Question No. 5; otherwise, please answer the next question.

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Question No. 4:

Did plaintiff, J. Augusto Bastidas, MD, prove, by a preponderance of the evidence, that this adverse employment action (delaying implementation of proctoring) was taken by Medical Staff because Dr. Bastidas engaged in the protected activity of bringing and pursuing a civil rights lawsuit?

Yes _____ No _____

Please answer the next question.

Re: Update to Report on Dr. Bastidas in the National Practitioner Databank Report

Question No. 5:

Did plaintiff, J. Augusto Bastidas, MD, prove, by a preponderance of the evidence, that defendant Good Samaritan Hospital (“Hospital”) subjected him to an adverse employment action by delaying the filing of an update to the plaintiff’s National Practitioner Databank Report?

Yes _____ No _____

If your answer to Question No. 5 was “No,” please go to Question No. 7; otherwise, please answer the next question.

Question No. 6:

Did plaintiff, J. Augusto Bastidas, MD, prove, by a preponderance of the evidence, that this adverse employment action (delaying update to National Practitioner Databank Report) was taken by Hospital because Dr. Bastidas engaged in the protected activity of bringing and pursuing a civil rights lawsuit?

Yes _____ No _____

Please answer the next question.

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Question No. 7:

Did plaintiff, J. Augusto Bastidas, MD, prove, by a preponderance of the evidence, that defendant Good Samaritan Hospital Medical Staff (“Medical Staff”) subjected him to an adverse employment action by delaying the filing of an update to the plaintiff’s National Practitioner Databank Report?

Yes _____ No _____

If your answer to Question No. 7 was “No,” please go to part II. Otherwise, please answer the next question.

Question No. 8:

Did plaintiff, J. Augusto Bastidas, MD, prove, by a preponderance of the evidence, that this adverse employment action (delaying update to National Practitioner Databank Report) was taken by Medical Staff because Dr. Bastidas engaged in the protected activity of bringing and pursuing a civil rights lawsuit?

Yes _____ No _____

Please go to Part II.

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PART II -- DAMAGES

If your answer to each of Questions No. 2, 4, 6 and 8 was “No” or blank, do not answer any further questions; go to the end of this form and have your Foreperson date and sign the form, and return it. Otherwise, please answer the next question.

Question No. 9:

As to the adverse employment action(s) which you have found were taken because Dr. Bastidas engaged in the protected activity of bringing and pursuing a civil rights lawsuit, did plaintiff prove, by a preponderance of the evidence, that such adverse employment action caused any damage to plaintiff?

Yes _____ No _____

If your answer to Question No. 9 was “No,” please go to Question No. 11. Otherwise, please answer the next question

Question No. 10:

What is the amount of damage plaintiff has proved?

\$ _____

Please go to Question No. 12.

Question No. 11:

As to the adverse employment action(s) which you have found were taken because Dr. Bastidas engaged in the protected activity of bringing and pursuing a civil rights lawsuit, if you have found that plaintiff 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 _____

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Question No. 12:

As to the adverse employment action(s) which you have found were taken because Dr. Bastidas engaged in the protected activity of bringing and pursuing a civil rights lawsuit, did plaintiff prove, by a preponderance of the evidence, that either defendant engaged in conduct which was malicious, oppressive or in reckless disregard of plaintiff's rights?

As to Good Samaritan Hospital? Yes _____ No _____

As to Good Samaritan Hospital Medical Staff? Yes _____ No _____

If you answered "Yes" to either part of Question No. 12, please answer the next question. Otherwise, do not answer any further questions; go to the end of this form and have your Foreperson date and sign the form.

Question No. 13:

What is the amount of punitive damages which you award?

\$ _____

Dated:

FOREPERSON