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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEPHEN E. EBERHARD,
Plaintiff,
v.
CALIFORNIA HIGHWAY PATROL, et al.,
Defendants.

Case No. [14-cv-01910-JD](#)

PROPOSED VERDICT FORM

The Court proposes to provide the jury with this special verdict form at the close of evidence. The parties may raise any objections or concerns about this proposed verdict form at the jury charge conference on Thursday, February 25, 2016.

IT IS SO ORDERED.

Dated: February 24, 2016



JAMES DONATO
United States District Judge

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Your answers must be unanimous:

MAY 21, 2013 INCIDENT

Question No. 1: Section 1983 -- First Amendment

Do you find by a preponderance of the evidence that Teddy Babcock violated Stephen Eberhard's First Amendment rights?

_____YES _____NO

Question No. 2: State Law Bane Act

Do you find by a preponderance of the evidence that Teddy Babcock intentionally interfered or attempted to interfere with Stephen Eberhard's civil rights by threats, coercion or intimidation?

_____YES _____NO

Question No. 3: Actual Damages

Answer this question only if you answered "yes" at least once in Questions 1 or 2. What amount of damages has Stephen Eberhard proven by a preponderance of evidence that will fairly and reasonably compensate him for his injury for the May 21, 2013 incident?

\$_____

Question No. 4: State Law Bane Act -- Optional Treble Damages

Answer this question only if you answered "yes" in Question 2 and you entered a dollar amount in Question 3. You may choose to award Stephen Eberhard up to three times the dollar amount you entered in Question 3 as a penalty against defendant. What total amount of damages do you award Stephen Eberhard?

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Question No. 5: Section 1983 -- Nominal Damages

Answer this question only if you answered “yes” in Question 1 and you answered \$0.00 or no damages in Question 3. You must award Stephen Eberhard an amount of nominal damages not to exceed \$1.00. What amount of nominal damages do you award Stephen Eberhard?

\$_____

Question No. 6: Section 1983 -- Punitive Damages

Answer this question only if you answered “yes” to Question 1. If you find by a preponderance of evidence that Teddy Babcock’s conduct on May 21, 2013 was malicious, oppressive or in reckless disregard of Stephen Eberhard’s rights, you may, but are not required to, award punitive damages. What amount of punitive damages, if any, do you award against the defendant?

\$_____

JULY 23, 2013 INCIDENT

Question No. 7: Section 1983 -- First Amendment

Do you find by a preponderance of the evidence that the defendant violated Stephen Eberhard's First Amendment rights?

Kory Reynolds YES NO

Christopher Dabbs YES NO

Question No. 8: State Law Bane Act

Do you find by a preponderance of the evidence that the defendant intentionally interfered or attempted to interfere with Stephen Eberhard's civil rights by threats, coercion or intimidation?

Kory Reynolds YES NO

Christopher Dabbs YES NO

Question No. 9: Actual Damages

Answer this question only if you answered "yes" at least once in Questions 7 or 8. What amount of damages has Stephen Eberhard proven by a preponderance of evidence that will fairly and reasonably compensate him for his injury from the July 23, 2013 incident?

\$_____

Question No. 10: State Law Bane Act -- Optional Treble Damages

Answer this question only if you answered "yes" in Question 8 and you entered a dollar amount in Question 9. You may choose to award Stephen Eberhard up to three times the dollar amount you entered in Question 9 as a penalty against defendants. What total amount of damages do you award Stephen Eberhard?

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Question No. 11: Section 1983 -- Nominal Damages

Answer this question only if you answered “yes” in Question 7 and you answered \$0.00 or no damages in Question 9. You must award Stephen Eberhard an amount of nominal damages not to exceed \$1.00. What amount of nominal damages do you award Stephen Eberhard?

\$_____

Question No. 12: Section 1983 -- Punitive Damages

Answer this question only if you answered “yes” to Question 7. If you find by a preponderance of evidence that a defendant’s conduct on July 23, 2013 was malicious, oppressive or in reckless disregard of Stephen Eberhard’s rights, you may, but are not required to, award punitive damages. What amount of punitive damages, if any, do you award against each defendant?

Kory Reynolds \$_____

Christopher Dabbs \$_____

Dated: _____

FOREPERSON