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

8 ERIC J. ONTIVEROS,

No. 06-cv-02122 CW

9 Plaintiff,

VERDICT FORM

10 v.

11 BRYAN MATTHEWS and DAVID W. DORN,

12 Defendants.  
13 \_\_\_\_\_/

14  
15 We, the jury, in the above-entitled action, find the following  
16 verdict on the following questions submitted to us:

17 **CIVIL RIGHTS CLAIMS**

18 1. Did Plaintiff prove by a preponderance of the evidence that  
19 Defendant Matthews violated his Fourth Amendment rights by  
20 unreasonably shooting him?

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

22 If you answered Yes to Question 1, answer Question 2 and 3.

23 Otherwise, proceed to Question 4.

24 2. What do you find to be the amount of compensatory damages, if  
25 any, proven by a preponderance of the evidence that Plaintiff  
26 suffered due to violation of his civil rights by being shot by  
27 Defendant Matthews?

28 Damages \$ \_\_\_\_\_

1 If your answer to question is \$0, nominal damages of one  
2 dollar will be awarded.

3 3. Did Defendant Matthews prove by a preponderance of the  
4 evidence he shot Plaintiff because he believed his supervisor  
5 had issued a reasonable order that he do so?

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

7 4. Did Plaintiff prove by a preponderance of the evidence that  
8 Defendant Matthews violated his Fourth Amendment rights by  
9 using unreasonable force against him, other than by shooting  
10 him?

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

12 If you answered Yes to Question 4, answer Question 5. Otherwise,  
13 proceed to Question 6.

14 5. What do you find to be the amount of compensatory damages, if  
15 any, proven by a preponderance of the evidence that Plaintiff  
16 suffered due to violation of his civil rights by Defendant  
17 Matthews' use of excessive force other than by shooting him?  
18 Damages \$\_\_\_\_\_

19 If your answer to question is \$0, nominal damages of one  
20 dollar will be awarded.

21 6. Did Plaintiff prove by a preponderance of the evidence that  
22 Defendant Dorn violated his Fourth Amendment rights by using  
23 unreasonable force against him?

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

25 If you answered Yes to Question 6, answer Question 7. Otherwise,  
26 proceed to Question 8.

27 7. What do you find to be the amount of compensatory damages, if  
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any, proven by a preponderance of the evidence that Plaintiff suffered due to violation of his civil rights by Defendant Dorn?

Damages \$\_\_\_\_\_

If your answer to question is \$0, nominal damages of one dollar will be awarded.

8. Do you find by a preponderance of the evidence that an award of punitive damages is appropriate against either or both Defendants for violating Plaintiff's civil rights? If yes, enter the amount.

Defendant BRYAN MATTHEWS Yes\_\_\_\_\_ \$ \_\_\_\_\_

No \_\_\_\_\_

Defendant DAVID W. DORN Yes\_\_\_\_\_ \$ \_\_\_\_\_

No \_\_\_\_\_

Please have the presiding juror sign, date and return this form.

Signed:\_\_\_\_\_ Date: \_\_\_\_\_  
Presiding Juror