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United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NATHALIE THUY VAN,

Plaintiff,

v.

WAL-MART STORES, INC.,

Defendant.

) Case No. 5:08-cv-05296-PSG
)
) **VERDICT FORM**

VERDICT FORM

Part A. LIABILITY

False Imprisonment

1. Has Van proven, by a preponderance of the evidence, that on November 24, 2007, Wal-Mart committed the tort of false imprisonment?

Yes

No

Unruh Act

2. Has Van proven, by a preponderance of the evidence, that on November 24, 2007, Wal-Mart violated the Unruh Act and denied Van full and equal accommodations, advantages, facilities, privileges and service of Wal-Mart's business based on her race, ancestry or national origin?

Yes

No

Section 1981

3. Has Van proven, by a preponderance of the evidence, that on November 24, 2007, Wal-Mart violated Section 1981 and denied Van equal accommodation under the law?

Yes

No

Negligent Hiring, Training, Supervision or Retention

4. Has Van proven, by a preponderance of the evidence, that on November 24, 2007 Wal-Mart committed the tort of negligent hiring, training, supervision or retention?

Yes

No

Intentional Infliction of Emotional Distress

5. Has Van proven, by a preponderance of the evidence, that on November 24, 2007, Wal-Mart committed the tort of intentional infliction of emotional distress against her?

Yes

No

Negligent Infliction of Emotional Distress

6. Has Van proven, by a preponderance of the evidence, that on November 24, 2007, Wal-Mart committed the tort of negligent infliction of emotional distress?

Yes No

Negligent Misrepresentation

7. Has Van proven, by a preponderance of the evidence, that on November 24, 2007, Wal-Mart committed the tort of negligent misrepresentation?

Yes No

Negligence Claim

8. Has Van proven, by a preponderance of the evidence, that on November 24, 2007, Wal-Mart was negligent in its conduct toward Van?

Yes No

If your answer to Question 8 is "Yes," then please proceed to Question 9. If your answer to Question 8 is "No," proceed directly to Part B.

9. Was Wal-Mart's negligence a substantial factor in causing harm to Van?

Yes No

If your answer to Question 9 is "Yes," then please proceed to Question 10. If your answer to Question 9 is "No," proceed directly to Part B.

10. Was Rainier negligent?

Yes No

If your answer to Question 10 is "Yes," then please proceed to Question 11. If your answer to Question 10 is "No," proceed directly to Part B.

11. Was Rainier's negligence a substantial factor in causing Van's harm?

Yes No

If your answer to Question 11 is "Yes," then please proceed to Question 12. If your answer to Question 11 is "No," proceed directly to Part B.

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12. What percentage of responsibility for Van's harm do you assign to:

Wal-Mart: _____%
Rainier: _____%
TOTAL: 100 %

Please proceed to Part B.

Part B. DAMAGES

If you answered "Yes" to any or all of Questions 1, 2, 3, 4, 5, 6, 7, 8 or 9, please answer the following questions. Otherwise, stop here, answer no further questions, and have the foreperson sign and date this form.

13. What is the total amount of damages, if any, suffered by Van in each category described below? Do not award duplicate damages for the same harm suffered from multiple claims.

Compensatory Damages: \$ _____
Punitive Damages : \$ _____
TOTAL: \$ _____

14. Did Van use reasonable efforts to mitigate her damages?

_____ Yes _____ No

If your answer to Question 14 is "No," please proceed to Question 15. If your answer to Question 14 is "Yes," stop here, answer no further questions, and have the foreperson sign and date this form.

15. How much of Van's damages could have been mitigated by Van's reasonable efforts?

\$ _____

Dated: _____


PRESIDING JUROR

After this verdict form has been signed and dated, notify the court that you are ready to present your verdict in the courtroom.

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SO ORDERED.

Dated: January 9, 2015


PAUL S. GREWAL
United States Magistrate Judge