

SECTION 1: 42 U.S.C. § 1983

VIOLATION OF FOURTH AMENDMENT – UNREASONABLE SEIZURE WITHOUT PROBABLE CAUSE

We, the jury, unanimously answer the Questions submitted to us as follows:

1-A. Did any individual defendant intentionally seize Aleksandr Binkovich?

i. Bruce Barthelemy: Yes _____ No _____

ii. Louis Grondahl: Yes _____ No _____

iii. Michael Panighetti: Yes _____ No _____

iv. Terry Craig: Yes _____ No _____

v. Jason Bollendorf: Yes _____ No _____

If your answer to Question 1-A as to any defendant is “Yes,” then answer Question 1-B for that defendant but for no others.

If you answered “No” to all defendants, go to Section 2.

1-B. Did the defendant have a reasonable suspicion that Binkovich was engaged in criminal conduct?

i. Bruce Barthelemy: Yes _____ No _____

ii. Louis Grondahl: Yes _____ No _____

iii. Michael Panighetti: Yes _____ No _____

iv. Terry Craig: Yes _____ No _____

v. Jason Bollendorf: Yes _____ No _____

If your answer to Question 1-B as to any defendant is “Yes,” then answer Question 1-C. If you answered “No” to all defendants, go to Section 2.

1-C. Was either the length or the scope of the seizure unreasonable?

Yes _____ No _____

GO TO SECTION 2.

SECTION 2: 42 U.S.C. § 1983

VIOLATION OF FOURTH AMENDMENT – EXCESSIVE FORCE BY INDIVIDUAL DEFENDANTS

We, the jury, unanimously answer the Questions submitted to us as follows:

2-A. Did any defendant use excessive force against Binkovich?

- i. Bruce Barthelemy: Yes _____ No _____
- ii. Louis Grondahl: Yes _____ No _____
- iii. Michael Panighetti: Yes _____ No _____
- iv. Terry Craig: Yes _____ No _____
- v. Jason Bollendorf: Yes _____ No _____

If your answer to Question 2-A as to any defendant is “Yes,” then answer Question 2-B for that defendant but for no others.

If you answered “No” to all defendants, go to Section 3.

2-B. Was Binkovich harmed by any defendant’s excessive force?

- i. Bruce Barthelemy: Yes _____ No _____
- ii. Louis Grondahl: Yes _____ No _____
- iii. Michael Panighetti: Yes _____ No _____
- iv. Terry Craig: Yes _____ No _____
- v. Jason Bollendorf: Yes _____ No _____

If your answer to Question 2-B as to any defendant is “Yes,” then answer Question 2-C.
If you answered “No” to all defendants, go to Section 3.

2-C. Was any defendant’s conduct a substantial factor in causing harm to Binkovich?

- i. Bruce Barthelemy: Yes _____ No _____
- ii. Louis Grondahl: Yes _____ No _____
- iii. Michael Panighetti: Yes _____ No _____
- iv. Terry Craig: Yes _____ No _____
- v. Jason Bollendorf: Yes _____ No _____

GO TO SECTION 3.

SECTION 3: 42 U.S.C. § 1983
PUBLIC ENTITY LIABILITY – POLICY, PRACTICE, OR CUSTOM

We, the jury, unanimously answer the Questions submitted to us as follows:

3-A. We, the jury, have answered Yes” to one or more subparts of the following questions:

- i. _____ Question 1-C (§ 1983 – Unreasonable Seizure)
- ii. _____ Question 2-C (§ 1983 – Excessive Force)

If you checked any question under Question 3-A, then answer Question 3-B.

If not, **stop here, answer no further questions, and have the foreperson sign and date this form.**

3-B. In seizing and/or using excessive force against Binkovich, was any defendant acting pursuant to an expressly adopted official policy or longstanding practice or custom of the City of San Jose?

Yes _____ No _____

If your answer to Question 3-B is “Yes,” then answer Question 3-C.

If your answer to Question 3-B is “No,” go to Section 4.

3-C. Was the City of San Jose’s policy or custom the moving force behind a deprivation of Binkovich’ Fourth Amendment rights?

Yes _____ No _____

GO TO SECTION 4.

SECTION 4: DAMAGES

We, the jury, unanimously answer the Questions submitted to us as follows:

4-A. What is the total amount of damages, if any, suffered by Binkovich? Do not award duplicate damages for the same harm suffered from multiple claims.

\$ _____

4-B. Did Binkovich use reasonable efforts to mitigate his damages?

Yes _____ No _____

If your answer to Question 4-B is “No,” then answer Question 4-C.
If your answer to Question 4-B is “Yes,” go to Question 4-D.

4-C. How much of Binkovich’ damages could have been mitigated by Binkovich’ reasonable efforts?

\$ _____

4-D. We, the jury, have answered “Yes” to one or more of the following questions with respect to the following defendants:

i. Question 1-C (§ 1983 – Unreasonable Seizure)

_____ Bruce Barthelemy

_____ Louis Grondahl

_____ Michael Panighetti

_____ Terry Craig

_____ Jason Bollendorf

ii. Question 2-C (§ 1983 – Excessive Force)

_____ Bruce Barthelemy

_____ Louis Grondahl

_____ Michael Panighetti

_____ Terry Craig

_____ Jason Bollendorf

1 If you checked any question for any defendant under Question 4-D, go to Question 4-E and answer
2 as to each of the officers whom you checked.

3 If not, **stop here, answer no further questions, and have the foreperson sign and date this
4 form.**

5 4-E. Did the officer(s) engage in malice, oppression, or in reckless disregard of Binkovich'
6 rights with respect to any of the claims that you checked in Question 4-D?

7 i. Bruce Barthelemy: Yes _____ No _____

8 ii. Louis Grondahl: Yes _____ No _____

9 iii. Michael Panighetti: Yes _____ No _____

10 iv. Terry Craig: Yes _____ No _____

11 v. Jason Bollendorf: Yes _____ No _____

12 If you checked "Yes" for any defendant under Question 4-E, then answer Question 4-F as to that
13 defendant only.

14 If not, **stop here, answer no further questions, and have the foreperson sign and date this
15 form.**

16 4-F. What amount, if any, do you award in punitive damages?

17 Bruce Barthelemy: \$ _____

18 Louis Grondahl: \$ _____

19 Michael Panighetti: \$ _____

20 Terry Craig: \$ _____

21 Jason Bollendorf: \$ _____

22 **Have the foreperson sign and date this form.**

23 Signed: _____ Dated: _____