

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ALMA BURRELL,) Case No.: 11-CV-4569-LHK
Plaintiffs,)
v.) ORDER RE: DEFENDANT'S
COUNTY OF SANTA CLARA,) OBJECTION TO THE VERDICT FORM
Defendant.)
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On May 11, 2013, Defendant County of Santa Clara filed an Objection to the Verdict Form, ECF No. 164. Plaintiff has not filed any response.

In response to Defendant's objection, the Court proposes adding the following jury instruction No. 23, quoting language from *Roby v. McKesson Corp.*, 47 Cal. 4th 686, 702, 219 P.3d 749, 758 (2009) (quoting *Tavaglione v. Billings*, 4 Cal. 4th 1150, 1158–1159, 17 Cal. Rptr. 2d 608, 847 P.2d 574 (1993)):

Double or duplicative recovery for the same items of damage amounts to overcompensation and is therefore prohibited. In contrast, where separate items of compensable damage are shown by distinct and independent evidence, the plaintiff is entitled to recover the entire amount of her damages for each cause of action.

The parties shall file any objections to this proposed language, or any alternative proposed instructions, by 5:00 p.m., May 12, 2013.

IT IS SO ORDERED.

Dated: May 12, 2013

Lucy H. Koh
LUCY H. KOH
United States District Judge