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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
6
7 SAN JOSE DIVISION

8 ALMA BURRELL,) Case No.: 11-CV-4569-LHK
9)
10 Plaintiffs,) ORDER RE: DEFENDANT'S
11 v.) OBJECTION TO THE VERDICT FORM
12)
13 COUNTY OF SANTA CLARA,)
14 Defendant.)
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21 On May 11, 2013, Defendant County of Santa Clara filed an Objection to the Verdict Form,
22 ECF No. 164. Plaintiff has not filed any response.

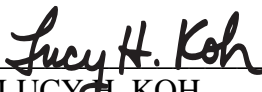
23 In response to Defendant's objection, the Court proposes adding the following jury
24 instruction No. 23, quoting language from *Roby v. McKesson Corp.*, 47 Cal. 4th 686, 702, 219 P.3d
25 749, 758 (2009) (quoting *Tavaglione v. Billings*, 4 Cal. 4th 1150, 1158–1159, 17 Cal. Rptr. 2d 608,
26 847 P.2d 574 (1993)):

27 Double or duplicative recovery for the same items of damage amounts to
28 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
United States District Judge