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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ISRAEL TORRES,

Plaintiff,

v.

CITY OF SANTA CLARA and
TONY PARKER,

Defendants.

Case No. 5:13-cv-01475-PSG

VERDICT FORM

VERDICT FORM

Part A. LIABILITY

Section 1983 Claim – Excessive Force

1. Did Tony Parker use excessive force against Israel Torres?

Yes

No

Section 1983 Claim – False Arrest

2. Did Parker arrest Torres without probable cause to believe that Torres committed a criminal offense?

Yes

No

If your answer to either Question 1 or 2, or both, is “Yes,” then please proceed to Question 3. If your answer to both Questions 1 and 2 is “No,” proceed directly to Question 5.

California Civil Code Section 52.1 (Bane Act) Claim

3. Did Parker use threats, intimidation, or coercion to interfere with Torres’ right to be free from excessive force or his right to be free from false arrest?

Yes

No

If your answer to Question 3 is “Yes,” then please proceed to Question 4. If your answer to Question 3 is “No,” proceed directly to Question 5.

4. Was Parker’s conduct a substantial factor in causing harm to Torres?

Yes

No

Please proceed to Question 5.

Battery Claim

5. Did Torres prove that Parker committed a battery against him?

Yes

No

Please proceed to Question 6.

False Arrest/False Imprisonment Claim

6. Did Parker arrest Torres without reasonable cause to believe that Torres had committed a crime?

Yes

No

If your answer to Question 6 is “Yes,” then please proceed to Question 7. If your answer to Question 6 is “No,” proceed directly to Question 8.

7. Was Parker’s conduct a substantial factor in causing harm to Torres?

Yes

No

Please proceed to Question 8.

Negligence Claim

8. Was Parker negligent?

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 Parker’s negligence a substantial factor in causing harm to Torres?

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 Torres 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 Torres’ negligence a substantial factor in causing his 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.

12. What percentage of responsibility for Torres’ harm do you assign to:

Parker: _____%

Torres: _____%

TOTAL: 100 %

Please proceed to Part B.

Part B. DAMAGES

If you answered “Yes” to any or all of Questions 1, 2, 4, 5, 7 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 Torres in each category described below? Do not award duplicate damages for the same harm suffered from multiple claims.

Medical Expenses: \$ _____

Pain and Suffering: \$ _____

Emotional Distress: \$ _____

TOTAL: \$ _____

14. Did Torres use reasonable efforts to mitigate his 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 Torres’ damages could have been mitigated by Torres’ 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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3 **IT IS SO ORDERED.**

4 Dated: September 4, 2014

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6 PAUL S. GREWAL
7 United States Magistrate Judge
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