

Resacted

APPENDIX A

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Anthony Ray Spann,
a/k/a Anthony Ray Dunham,

Civil No. 08-41 (DWF/JJK)

Plaintiff,

v.

SPECIAL VERDICT FORM

City of Minneapolis, Steven J. Herron,
and Calvin D. Cook,

Defendants.

We, the jury in the above-entitled action, return the following answers to the questions of fact presented to us:

EXCESSIVE FORCE

1. Did Defendant Steven J. Herron use excessive force upon Plaintiff

Anthony Ray Spann on or about January 13, 2006?

ANSWER: Yes _____ No X

2. Did Defendant Calvin D. Cook use excessive force upon Plaintiff

Anthony Ray Spann on or about January 13, 2006?

ANSWER: Yes _____ No X

UNLAWFUL ARREST

3. Was Plaintiff Anthony Ray Spann arrested and detained by Defendant Steven J. Herron for loitering with intent to solicit, trespass, or fleeing from a police officer on January 13, 2006 without arguable probable cause?

ANSWER: Yes _____ No X

4. Was Plaintiff Anthony Ray Spann arrested and detained by Defendant Calvin D. Cook for loitering with intent to solicit, trespass, or fleeing from a police officer on January 13, 2006 without arguable probable cause?

ANSWER: Yes _____ No X

ASSAULT

5. Did Defendant Steven J. Herron assault Plaintiff Anthony Ray Spann on or about January 13, 2006?

ANSWER: Yes _____ No X

6. Did Defendant Calvin D. Cook assault Plaintiff Anthony Ray Spann on or about January 13, 2006?

ANSWER: Yes _____ No X

If you answered "No" to Question 1, Question 2, Question 3, Question 4, Question 5, and Question 6, do not answer any other question; your deliberations are complete and you should have your foreperson sign and date this Special Verdict Form. If you answered "Yes" to Question 1, Question 2, Question 3, Question 4, Question 5, or Question 6, go on to the following section.

COMPENSATORY DAMAGES

7. What amount of money will fairly and adequately compensate Plaintiff Anthony Ray Spann for damages caused by the incident on January 13, 2006?

Amount of Compensatory Damages: \$ _____

If you did not award Plaintiff Anthony Ray Spann damages of any kind, including nominal damages in the amount of \$1, in Question 7, then do not answer any more questions; your deliberations are complete and you should have your foreperson sign and date this Special Verdict Form. If you awarded Plaintiff Anthony Ray Spann damages in Question 7, then go on to the following section.

PUNITIVE DAMAGES

You may award punitive damages against a Defendant if you have first found that that Defendant used excessive force in arresting Plaintiff Anthony Ray Spann, unlawfully arrested Plaintiff Anthony Ray Spann without arguable probable cause, or assaulted Plaintiff Anthony Ray Spann, and that that Defendant's conduct was "recklessly and callously indifferent" to Plaintiff's right to be free from excessive force, unlawful arrest or assault. You must evaluate each Defendant's conduct separately.

8. We assess punitive damages against Defendant Steven J. Herron as follows:

\$ _____ (stating the amount or, if none, write the word "NONE").

9. We assess punitive damages against Defendant Calvin D. Cook as follows:

\$ _____ (stating the amount or, if none, write the word "NONE").

Dated: May 14, 2009

Foreperson 