

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JAMES JERMAINE DAVIS,

Plaintiff,

v.

SANDRA ASHTON, *et al.*,

Defendants.

SPECIAL VERDICT

15-cv-268-slc

We the Jury, in the above-titled case, do find for our verdict as follows:

Question No. 1: Did Sandra Ashton issue any of the below conduct reports to James Davis in retaliation for James Davis's submission of offender complaints?

Conduct Report #2211295: _____ ("Yes" or "No")

Conduct Report #2386845: _____ ("Yes" or "No")

Conduct Report #2386861: _____ ("Yes" or "No")

Conduct Report #2412602: _____ ("Yes" or "No")

Conduct Report #2236750: _____ ("Yes" or "No")

If you answered "Yes" to any part of Question No. 1, then answer Question No. 2.

If all of your answers to Question No. 1 were "No," then move to Question No. 6.

Question No. 2: For Each Conduct Reports for which you answered "Yes" in Question No. 1, would Sandra Ashton have issued every one of these conduct reports against James Davis even if Davis had not submitted truthful offender complaints?

_____ ("Yes" or "No")

If your answer to Question No. 2 was “Yes,” then answer Questions 3 and 4.

If your answer to Question No. 2 was “No,” then move to Question 6.

Question No. 3: What sum of money, if any, would fairly and reasonably compensate James Davis for Sandra Ashton’s conduct?

\$ _____ (Amount in dollars)

Question No. 4: Did Sandra Ashton act with evil motive or intent, or with reckless or callous indifference to the rights of James Davis?

If your answer to Question 4 was “yes,” answer Question 5.

If your answer to Question 4 was “no,” move to Question 6.

Question No. 5: What amount, if any, do you award as punitive damages against Sandra Ashton?

\$ _____ (Amount in dollars)

Question 6: On October 29, 2013, did any of the following Defendants use force on the James Davis for the purpose of harming Davis, and not in a good faith effort to maintain or restore security or order?

Sandra Ashton: _____ (Yes or No)

Ronald Swenson: _____ (Yes or No)

Tracy Kopfhamer: _____ (Yes or No)

Michael Rataczak: _____ (Yes or No)

If your answer to any part of Question 6 was “yes,” then answer Question 7.

If you answered all parts of Question 6 with “no,” then move to Question 11.

Question 7: On October 29, 2013, did any of the following Defendants have an opportunity to intervene to prevent excessive force but failed to do so?

Theodore Anderson: _____ (Yes or No)

Kevin Pitzen: _____ (Yes or No)

Randy Schneider: _____ (Yes or No)

Question 8: What sum of money, if any, would fairly and reasonably compensate James Davis for the acts and omissions of the defendants for whom you answered “Yes” in Question 6 and Question 7?

\$ _____ (Amount in dollars)

Question 9: Did any of the following Defendants act with evil motive or intent, or with reckless or callous indifference to the rights of James Davis?

Sandra Ashton: _____ (Yes or No)

Ronald Swenson: _____ (Yes or No)

Tracy Kopfhamer: _____ (Yes or No)

Michael Rataczak: _____ (Yes or No)

Theodore Anderson: _____ (Yes or No)

Kevin Pitzen: _____ (Yes or No)

Randy Schneider: _____ (Yes or No)

If your answer to any part of Question 9 was “yes,” then answer Question 10.

If you answered all parts of Question 9 with “no,” then move to Question 11.

Question 10: What amount, if any, do you award as punitive damages against the defendants for whom you answered “Yes” in Question 9?

\$ _____ (Amount in dollars)

Question 11: Did James Davis have a serious medical need on October 29, 2013?

_____ (Yes or No)

If your answer to Question 11 was “yes,” then answer Question 12.

If your answer to Question 11 was “no,” then do not answer any more questions on this form.

Question 12: Did Nurse Philip Kerch consciously fail to take reasonable measures to provide treatment for James Davis’s serious medical need on October 29, 2013?

_____ (Yes or No)

If your answer to Question 12 was “yes,” then answer Questions 13 and 14.

If your answer to Question 12 was “no,” then do not answer any more questions on this form.

Question 13: What sum of money, if any, would fairly and reasonably compensate James Davis for the actions of Philip Kerch?

\$ _____ (Amount in dollars)

Question 14: Did Nurse Philip Kerch act with evil motive or intent, or with reckless or callous indifference to the rights of Plaintiff?

_____ (Yes or No)

If your answer to Question 14 was “yes,” then answer Question 15.

If your answer to Question 14 was “no,” then do not answer any more questions on this form.

Question 15: What amount, if any, do you award as punitive damages against Philip Kerch.

\$ _____ (Amount in dollars)

Signed: _____

Presiding Juror

At Madison, Wisconsin

Date: _____