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SEP 23 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SIEHNA M. COTTON, a minor, by Megan McClure, her guardian ad litem, et al.,

Case No: C 08-4386 SBA

Plaintiffs,

VERDICT FORM

vs.

CITY OF EUREKA, CALIFORNIA, a political subdivision of the State of California, et al.,

Defendants.

QUESTION NO. 1

1a. Do you find that any of the following City of Eureka police officers used unreasonable/excessive force against decedent Martin Cotton, II?

Adam Laird Yes No

Justin Winkle Yes No

Gary Whitmer Yes No

If you answered "Yes" as to any officer, then answer Question 1b. If you answered "No" to all officers, proceed to Question 2.

1b. Did the use of unreasonable/excessive force cause injury or harm to the decedent Martin Cotton, II?

Yes No

Proceed to Question 2.

1 **QUESTION NO. 2**

2 2a. Do you find that any of the following City of Eureka police officers were
3 deliberately indifferent to decedent Martin Cotton, II's serious medical needs?

4 Adam Laird Yes No

5 Justin Winkle Yes No

6 Gary Whitmer Yes No

7 *If you answered "Yes" as to any officer, then answer Question 2b. If you answered
8 "No" to all officers, proceed to Question 4.*

9 2b. Did the deliberate indifference to the serious medical needs of decedent Martin
10 Cotton, II cause injury to him?

11 Yes No

12 *If you answered "Yes" to Question 2b, proceed to Question 3. If you answered
13 "No" to Question 2b, proceed to Question 4.*

13 **QUESTION NO. 3**

14 3a. Did the City of Eureka fail to adequately train its police officers in obtaining medical
15 care for arrestees who have had force used against them?

16 Yes No

17 *If your answer to Question 3a is "Yes," then answer Question 3b. If you answered
18 "No," proceed to Question 4.*

19 3b. Was the City of Eureka deliberately indifferent to the need to train its officers
20 adequately?

21 Yes No

22 *If your answer to question 3b is "Yes," then answer Question 3c. If you answered
23 "No," proceed to Question 4.*

24 3c. Was the City of Eureka's failure to provide proper training the moving force behind
25 the violation of decedent Martin Cotton, II's constitutional rights?

26 Yes No

27 *Proceed to Question 4.*

28

QUESTION NO. 4

4a. Do you find that any of the following City of Eureka police officers failed to obtain medical care for the decedent Martin Cotton, II, as required by California Government Code § 845.6?

Adam Laird Yes No

Justin Winkle Yes No

Gary Whitmer Yes No

If you answered "Yes" as to any officer, then answer Question 4b. If you answered "No" to all officers, proceed to Question 5.

4b. Did the failure to obtain medical care cause harm to decedent Martin Cotton, II?

Yes No

Proceed to Question 5.

QUESTION NO. 5

If you answered "Yes" to Questions 1b, 2b, 3c and/or 4b, state the amount of damages, if any, that you award to Plaintiff Siehna Cotton:

\$ 1,250,000

Damages for any injury sustained by the decedent Martin Cotton II before his death.

\$ 2,750,000

Damages for harm sustained by Plaintiff Siehna Cotton as a result of the death of decedent Martin Cotton II.

If you answered "No" to Questions 1a and 2a as to each of the City of Eureka police officers, sign and date the form. Otherwise, proceed to Question 6.

1 **QUESTION NO. 6**

2 6a. Do you find that the conduct of any of the following City of Eureka police officers
3 "shocks the conscience" and interfered with Plaintiff Martin Cotton Sr.'s
relationship with his son, decedent Martin Cotton II?

4 Adam Laird Yes X No

5 Justin Winkle Yes X No

6 Gary Whitmer Yes X No

7 *If you answered "Yes" as to any officer, then answer Question 6b. If you answered*
8 *"No" to all officers, proceed to Question 7.*

9 6b. Did the conduct of any of the officers cause harm to Plaintiff Martin Cotton Sr.?

10 Yes X No

11 *If you answered "Yes" to Question 6b, then answer Question 6c. If you answered*
12 *"No" to all officers, proceed to Question 7.*

13 6c. What amount of damages do you award to Plaintiff Martin Cotton Sr.?

14 \$ 500,000

15 *Proceed to Question 7.*

17 **QUESTION NO. 7**

18 7a. Do you find that any of the following City of Eureka police officers acted
19 maliciously, oppressively or in reckless disregard of the decedent Martin Cotton, II,
or Plaintiffs' constitutional rights?

20 Adam Laird Yes X No

21 Justin Winkle Yes X No

22 Gary Whitmer Yes X No

23 *If you answered "Yes" as to any officer, then answer Question 7b. If you answered*
24 *"No" to all officers, sign the form.*

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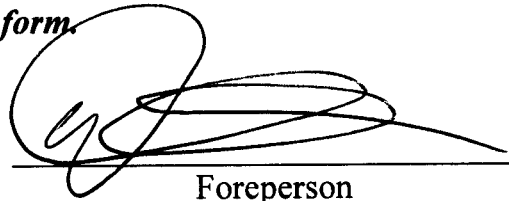
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7b. With respect to each officer for whom you responded "Yes" in Question 7b, indicate the amount of punitive damages that you award to Plaintiffs:

Adam Laird	\$ <u>30,000</u>
Justin Winkle	\$ <u>30,000</u>
Gary Whitmer	\$ <u>15,000</u>

Please date, sign and return this form.

Dated: 9/23/11



Foreperson