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FILED
MAY 26 2015
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *[Signature]* DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SGT. JAVIER COTA, an individual,
Plaintiff,

v.

CITY OF SAN DIEGO, SDPD
OFFICER ARIEL SAVAGE,
SDPD OFFICER JUSTIN MATTLY,
Defendants.

Case No. 12cv0998 BAS (JLB)

SPECIAL VERDICT

Judge: Hon. Cynthia Bashant
Court Room: 4B (Schwartz)
Trial: May 19, 2015

We, the jury in the above entitled action, find the following special verdict on the questions submitted to us:

RETALIATORY ARREST CLAIM

Question No. 1:

Did Plaintiff Javier Cota prove by a preponderance of the evidence that Defendant Justin Mattly arrested Plaintiff in retaliation for exercising his freedom of speech rights in violation of the First Amendment of the United States Constitution?

Answer: Yes No

(Please proceed to Question No. 2.)

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Question No. 2:

Did Plaintiff Javier Cota prove by a preponderance of the evidence that Defendant Ariel Savage arrested Plaintiff in retaliation for exercising his freedom of speech rights in violation of the First Amendment of the United States Constitution?

Answer: Yes _____ No S

(If you answered "No" to both Question Nos. 1 and 2, proceed to Question Nos. 4 and 5. If you answered "Yes" to either Question Nos. 1 or 2, proceed to Question no. 3.)

Question No. 3:

Has Plaintiff Javier Cota proved by a preponderance of the evidence that the retaliation of his free speech was a substantial factor in causing him harm?

Answer: Yes _____ No S

FALSE ARREST CLAIM

Question No. 4:

Did Javier Cota prove by a preponderance of the evidence that Defendant Justin Mattly falsely arrested him without probable cause in violation of the Fourth Amendment of the United States Constitution?

Answer: Yes S No _____

Question No. 5:

Did Javier Cota prove by a preponderance of the evidence that Defendant Ariel Savage falsely arrested him without probable cause in violation of the Fourth Amendment of the United States Constitution?

Answer: Yes S No _____

///

1 (If you answered "No" to Question Nos. 4 and 5, proceed to Question no. 7.
2 If you answered "Yes" to either Question Nos. 4 or 5, please proceed to Question
3 No. 6.)

4 **Question No. 6:**

5 Did Plaintiff Javier Cota prove by a preponderance of the evidence that the
6 false arrest was a substantial factor in the harm done to him on June 4, 2011?

7 Answer: Yes _____ No *S*

8
9 **EXCESSIVE FORCE CLAIM**

10 **Question No. 7:**

11 Did Plaintiff Javier Cota prove by a preponderance of the evidence that Justin
12 Mattly used unreasonable excessive force in violation of the Fourth Amendment of
13 the United States Constitution?

14 Answer: Yes _____ No *S*

15
16 **Question No. 8:**

17 Did Plaintiff Javier Cota prove by a preponderance of the evidence that Ariel
18 Savage used unreasonable excessive force in violation of the Fourth Amendment of
19 the United States Constitution?

20 Answer: Yes _____ No *S*

21 (If you answered "No" to Question Nos. 7 and 8, proceed to Question No. 10.
22 If you answered "Yes" to either Question Nos. 7 or 8, proceed to Question No. 9.)

23
24 **Question No. 9:**

25 Did Plaintiff Javier Cota prove by a preponderance of the evidence that the
26 unreasonable excessive force was a substantial factor in the harm done to him on
27 June 4, 2011?

28 Answer: Yes _____ No *S*

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(If you answered "Yes" to Questions Nos. 3, 6, or 9, please proceed to Question Nos. 10 and 11. If you answered "No" to Questions Nos. 3, 6, or 9, please have the foreperson sign, date and return this Special Verdict Form.)

Question No. 10:

What do you find to be the total amount of damages sustained by Plaintiff Javier Cota?

TOTAL \$ _____

Question No. 11:

If you find that punitive damages are warranted, what do you find is the amount of punitive damages that should be awarded as to each Defendant?

a. Justin Mattly: \$ _____

b. Ariel Savage: \$ _____

TOTAL \$ _____

Please have your presiding juror sign and date the form.

Dated: May 26, 2015

Juror #2
PRESIDING JUROR