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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C 91-01057 CW

JUDI BARI, by DARLENE COMINGORE,
Executor of the Estate of JUDI BARI,
and DARRYL CHERNEY,

THIRD VERDICT
FORM

Plaintiffs,

v.

FBI Agents STOCKTON BUCK, FRANK
DOYLE, JOHN REIKES, and PHILIP SENA,
and Oakland Police Officers CLYDE M.
SIMS, ROBERT CHENAULT, and MICHAEL
SITTERUD,

Defendants.

Please answer each of the following questions. When you are
finished, please have the foreperson sign this verdict form and
return it to the Court.

I. Fourth Amendment Claims

A. Plaintiff Judi Bari

1. Arrest

1. Did one or more of the defendants listed below violate Judi
Bari's Fourth Amendment rights in connection with her arrest?

Yes _____ No _____ Undecided _____

1 If your answer is "No," skip questions 2 through 5 and go on to
2 Part I.A.2. If your answer is "Yes" or "Undecided," please
3 complete questions 2 through 5:
4

5 2. Write "Yes" next to each defendant that you find violated Ms.
6 Bari's Fourth Amendment rights in connection with her arrest, write
7 "No" next to each defendant that you find did not violate Ms.
8 Bari's Fourth Amendment rights in connection with her arrest, and
9 write "Undecided" if you are unable to reach a verdict as to a
10 certain defendant:

11	Frank Doyle	_____
12	John Reikes	_____
13	Philip Sena	_____
14	Clyde M. Sims	_____
15	Robert Chenault	_____
16	Michael Sitterud	_____

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1 3. Only as to each defendant that you find violated Ms. Bari's
2 Fourth Amendment rights in connection with her arrest as indicated
3 above, or for whom you are unable to reach a verdict, could a
4 reasonable officer in that defendant's position have believed that
5 his conduct was lawful?

6 Answer "Yes," "No," or "Undecided" (do not answer for a defendant
7 if you wrote "No" next to the defendant's name above):

8 Frank Doyle _____
9 John Reikes _____
10 Philip Sena _____
11 Clyde M. Sims _____
12 Robert Chenault _____
13 Michael Sitterud _____

14

15 4. If you answered "No" for one or more defendants in question 3
16 above, these are the defendants that you have found liable for
17 violating Ms. Bari's Fourth Amendment rights in connection with her
18 arrest. What amount of money do you award Ms. Bari to compensate
19 her for any injury, loss or harm she suffered as a result of the
20 Fourth Amendment violation due to her arrest?

21 \$ _____
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25 5. For each defendant that you found liable for violating Ms.
26 Bari's Fourth Amendment rights in connection with her arrest (those
27 for whom you wrote "Yes" in question 2 and you answered "No" in
28

1 question 3 above), indicate what percentage of the above damages he
2 caused. The total of all percentages indicated below must equal
3 100%:

4 Frank Doyle _____ %
5 John Reikes _____ %
6 Philip Sena _____ %
7 Clyde M. Sims _____ %
8 Robert Chenault _____ %
9 Michael Sitterud _____ %

10

11 2. May 25, 1990 Search

12 1. Did one or more of the defendants listed below violate Judi
13 Bari's Fourth Amendment rights in connection with the search
14 warrant for the May 25, 1990 search of her home?

15 Yes _____ No _____ Undecided _____

16 If your answer is "No," skip questions 2 through 5 and go on to
17 Part I.A.3. If your answer is "Yes" or "Undecided," please
18 complete questions 2 through 5:

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23 2. Write "Yes" next to each defendant that you find violated Ms.
24 Bari's Fourth Amendment rights in connection with the search
25 warrant for the May 25, 1990 search of her home, write "No" next to
26 each defendant that you find did not violate Ms. Bari's Fourth
27 Amendment rights in connection with the search warrant for the May

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1 25, 1990 search of her home, and write "Undecided" if you are
2 unable to reach a verdict as to a certain defendant:

3 Frank Doyle _____

4 John Reikes _____

5 Clyde M. Sims _____

6 Robert Chenault _____

7 Michael Sitterud _____

8

9 3. Only as to each defendant that you find violated Ms. Bari's
10 Fourth Amendment rights in connection with the search warrant for
11 the May 25, 1990 search of her home as indicated above, or for whom
12 you are unable to reach a verdict, could a reasonable officer in
13 that defendant's position have believed that his conduct was
14 lawful?

15 Answer "Yes," "No," or "Undecided" (do not answer for a defendant
16 if you wrote "No" next to the defendant's name above):

17 Frank Doyle _____

18 John Reikes _____

19 Clyde M. Sims _____

20 Robert Chenault _____

21 Michael Sitterud _____

22

23

24 4. If you answered "No" for one or more defendants in question 3
25 above, these are the defendants that you have found liable for
26 violating Ms. Bari's Fourth Amendment rights in connection with the
27 search warrant for the May 25, 1990 search of her home. What
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1 amount of money do you award Ms. Bari to compensate her for any
2 injury, loss or harm she suffered as a result of the Fourth
3 Amendment violation due to the May 25, 1990 search?

4 \$ _____
5

6 5. For each defendant that you found liable for violating Ms.
7 Bari's Fourth Amendment rights in connection with the search
8 warrant for the May 25, 1990 search of her home (those for whom you
9 wrote "Yes" in question 2 and you answered "No" in question 3
10 above), indicate what percentage of the above damages he caused.
11 The total of all percentages indicated below must equal 100%:

12 Frank Doyle	_____ %
13 John Reikes	_____ %
14 Clyde M. Sims	_____ %
15 Robert Chenault	_____ %
16 Michael Sitterud	_____ %

17
18 3. June 26, 1990 Search

19 1. Did one or more of the defendants listed below violate Judi
20 Bari's Fourth Amendment rights in connection with the search
21 warrant for the June 26, 1990 search of her home?

22 Yes _____ No _____ Undecided _____

23 If your answer is "No," skip questions 2 through 5 and go on to
24 Part I.B. If your answer is "Yes" or "Undecided," please complete
25 questions 2 through 5:
26

27 2. Write "Yes" next to each defendant that you find violated Ms.
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1 Bari's Fourth Amendment rights in connection with the search
2 warrant for the June 26, 1990 search of her home, write "No" next
3 to each defendant that you find did not violate Ms. Bari's Fourth
4 Amendment rights in connection with the search warrant for the June
5 26, 1990 search of her home, and write "Undecided" if you are
6 unable to reach a verdict as to a certain defendant:

7 Frank Doyle _____

8 John Reikes _____

9 Clyde M. Sims _____

10 Robert Chenault _____

11 Michael Sitterud _____

12

13 3. Only as to each defendant that you find violated Ms. Bari's
14 Fourth Amendment rights in connection with the search warrant for
15 the June 26, 1990 search of her home as indicated above, or for
16 whom you are unable to reach a verdict, could a reasonable officer
17 in that defendant's position have believed that his conduct was
18 lawful?

19 Answer "Yes," "No," or "Undecided" (do not answer for a defendant
20 if you wrote "No" next to the defendant's name above):

21 Frank Doyle _____

22 John Reikes _____

23 Clyde M. Sims _____

24 Robert Chenault _____

25 Michael Sitterud _____

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27 4. If you answered "No" for one or more defendants in question 3

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1 above, these are the defendants that you have found liable for
2 violating Ms. Bari's Fourth Amendment rights in connection with the
3 search warrant for the June 26, 1990 search of her home. What
4 amount of money do you award Ms. Bari to compensate her for any
5 injury, loss or harm she suffered as a result of the Fourth
6 Amendment violation due to the June 26, 1990 search?

7 \$ _____
8

9 5. For each defendant that you found liable for violating Ms.
10 Bari's Fourth Amendment rights in connection with the search
11 warrant for the June 26, 1990 search of her home (those for whom
12 you wrote "Yes" in question 2 and you answered "No" in question 3
13 above), indicate what percentage of the above damages he caused.
14 The total of all percentages indicated below must equal 100%:

- 15 Frank Doyle _____ %
- 16 John Reikes _____ %
- 17 Clyde M. Sims _____ %
- 18 Robert Chenault _____ %
- 19 Michael Sitterud _____ %

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22 B. Plaintiff Darryl Cherney

23 1. Arrest

24 1. Did one or more of the defendants listed below violate Darryl
25 Cherney's Fourth Amendment rights in connection with his arrest?

26 Yes _____ No _____ Undecided _____

27 If your answer is "No," skip questions 2 through 5 and go on to

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1 Part I.B.2. If your answer is "Yes" or "Undecided," please
2 complete questions 2 through 5:

3

4 2. Write "Yes" next to each defendant that you find violated Mr.
5 Cherney's Fourth Amendment rights in connection with his arrest,
6 write "No" next to each defendant that you find did not violate Mr.
7 Cherney's Fourth Amendment rights in connection with his arrest,
8 and write "Undecided" if you are unable to reach a verdict as to a
9 certain defendant:

10 Frank Doyle _____
11 John Reikes _____
12 Philip Sena _____
13 Clyde M. Sims _____
14 Robert Chenault _____
15 Michael Sitterud _____

16

17 3. Only as to each defendant that you find violated Mr. Cherney's
18 Fourth Amendment rights in connection with his arrest as indicated
19 above, or for whom you are unable to reach a verdict, could a
20 reasonable officer in that defendant's position have believed that
21 his conduct was lawful?

22 Answer "Yes," "No," or "Undecided" (do not answer for a defendant
23 if you wrote "No" next to the defendant's name above):

24 Frank Doyle _____
25 John Reikes _____
26 Philip Sena _____
27 Clyde M. Sims _____

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1 Robert Chenault _____
2 Michael Sitterud _____

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5 4. If you answered "No" for one or more defendants in question 3
6 above, these are the defendants that you have found liable for
7 violating Mr. Cherney's Fourth Amendment rights in connection with
8 his arrest. What amount of money do you award Mr. Cherney to
9 compensate him for any injury, loss or harm he suffered as a result
10 of the Fourth Amendment violation due to his arrest?

11 \$ _____
12

13 5. For each defendant that you found liable for violating Mr.
14 Cherney's Fourth Amendment rights in connection with his arrest
15 (those for whom you wrote "Yes" in question 2 and you answered "No"
16 in question 3 above), indicate what percentage of the above damages
17 he caused. The total of all percentages indicated below must equal
18 100%:

- 19 Frank Doyle _____ %
- 20 John Reikes _____ %
- 21 Philip Sena _____ %
- 22 Clyde M. Sims _____ %
- 23 Robert Chenault _____ %
- 24 Michael Sitterud _____ %

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26 2. May 25, 1990 Search

27 1. Did one or more of the defendants listed below violate Darryl

1 Cherney's Fourth Amendment rights in connection with the search
2 warrant for the May 25, 1990 search of his home?

3 Yes _____ No _____ Undecided _____

4 If your answer is "No," skip questions 2 through 5 and go on to
5 Part II. If your answer is "Yes" or "Undecided," please complete
6 questions 2 through 5:

7

8 2. Write "Yes" next to each defendant that you find violated Mr.
9 Cherney's Fourth Amendment rights in connection with the search
10 warrant for the May 25, 1990 search of his home, write "No" next to
11 each defendant that you find did not violate Mr. Cherney's Fourth
12 Amendment rights in connection with the search warrant for the May
13 25, 1990 search of his home, and write "Undecided" if you are
14 unable to reach a verdict as to a certain defendant:

15 Frank Doyle _____

16 John Reikes _____

17 Clyde M. Sims _____

18 Robert Chenault _____

19 Michael Sitterud _____

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27 3. Only as to each defendant that you find violated Mr. Cherney's

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1 Fourth Amendment rights in connection with the search warrant for
2 the May 25, 1990 search of his home as indicated above, or for whom
3 you are unable to reach a verdict, could a reasonable officer in
4 that defendant's position have believed that his conduct was
5 lawful?

6 Answer "Yes," "No," or "Undecided" (do not answer for a defendant
7 if you wrote "No" next to the defendant's name above):

8 Frank Doyle _____

9 John Reikes _____

10 Clyde M. Sims _____

11 Robert Chenault _____

12 Michael Sitterud _____

13

14 4. If you answered "No" for one or more defendants in question 3
15 above, these are the defendants that you have found liable for
16 violating Mr. Cherney's Fourth Amendment rights in connection with
17 the search warrant for the May 25, 1990 search of his home. What
18 amount of money do you award Mr. Cherney to compensate him for any
19 injury, loss or harm he suffered as a result of the Fourth
20 Amendment violation due to the May 25, 1990 search?

21 \$ _____

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1 5. For each defendant that you found liable for violating Mr.
2 Cherney's Fourth Amendment rights in connection with the search
3 warrant for the May 25, 1990 search of his home (those for whom you
4 wrote "Yes" in question 2 and you answered "No" in question 3
5 above), indicate what percentage of the above damages he caused.
6 The total of all percentages indicated below must equal 100%:

7 Frank Doyle _____ %
8 John Reikes _____ %
9 Clyde M. Sims _____ %
10 Robert Chenault _____ %
11 Michael Sitterud _____ %

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14 **II. First Amendment Claims**

15 A. Plaintiff Judi Bari

16 1. Did one or more of the defendants listed below violate Judi
17 Bari's First Amendment rights?

18 Yes _____ No _____ Undecided _____

19 If your answer is "No," skip questions 2 through 4 and go on to
20 Part II.B. If your answer is "Yes" or "Undecided," please complete
21 questions 2 through 4:

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25 2. Write "Yes" next to each defendant that you find violated Ms.
26 Bari's First Amendment rights, write "No" next to each defendant
27 that you find did not violate Ms. Bari's First Amendment rights,

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1 and write "Undecided" if you are unable to reach a verdict as to a
2 certain defendant:

- 3 Frank Doyle _____
- 4 John Reikes _____
- 5 Philip Sena _____
- 6 Stockton Buck _____
- 7 Clyde M. Sims _____
- 8 Robert Chenault _____
- 9 Michael Sitterud _____

10

11 3. What amount of money do you award Ms. Bari to compensate her
12 for any injury, loss or harm she suffered as a result of the First
13 Amendment violation?

14 \$ _____

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16 4. For each defendant that you found violated Ms. Bari's First
17 Amendment rights (those for whom you answered "Yes" in question 2
18 above), indicate what percentage of the above damages he caused.
19 The total of all percentages indicated below must equal 100%:

- 20 Frank Doyle _____ %
- 21 John Reikes _____ %
- 22 Philip Sena _____ %
- 23 Stockton Buck _____ %
- 24 Clyde M. Sims _____ %
- 25 Robert Chenault _____ %
- 26 Michael Sitterud _____ %

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B. Plaintiff Darryl Cherney

1. Did one or more of the defendants listed below violate Darryl Cherney's First Amendment rights?

Yes _____ No _____ Undecided _____

If your answer is "No," skip questions 2 through 4 and go on to Part III. If your answer is "Yes" or "Undecided," please complete questions 2 through 4:

2. Write "Yes" next to each defendant that you find violated Mr. Cherney's First Amendment rights, write "No" next to each defendant that you find did not violate Mr. Cherney's First Amendment rights, and write "Undecided" if you are unable to reach a verdict as to a certain defendant:

- Frank Doyle _____
- John Reikes _____
- Philip Sena _____
- Stockton Buck _____
- Clyde M. Sims _____
- Robert Chenault _____
- Michael Sitterud _____

3. What amount of money do you award Mr. Cherney to compensate him for any injury, loss or harm he suffered as a result of the First Amendment violation?

\$ _____

1 4. For each defendant that you found violated Mr. Cherney's First
2 Amendment rights (those for whom you answered "Yes" in question 2
3 above), indicate what percentage of the above damages he caused.

4 The total of all percentages indicated below must equal 100%:

5 Frank Doyle _____ %

6 John Reikes _____ %

7 Philip Sena _____ %

8 Stockton Buck _____ %

9 Clyde M. Sims _____ %

10 Robert Chenault _____ %

11 Michael Sitterud _____ %

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1 III. Conspiracy Claims

2 A. Plaintiff Judi Bari

3 Do you find that two or more of the following defendants
4 participated in a conspiracy to violate Judi Bari's First Amendment
5 rights? Write "Yes" next to the name of each defendant, if any,
6 you find participated in a conspiracy to violate Ms. Bari's First
7 Amendment rights, write "No" next to the name of each defendant, if
8 any, you do not find to have participated in such a conspiracy, and
9 write "Undecided" if you are unable to reach a verdict as to a
10 certain defendant:

- 11 Frank Doyle _____
12 John Reikes _____
13 Philip Sena _____
14 Stockton Buck _____
15 Clyde M. Sims _____
16 Robert Chenault _____
17 Michael Sitterud _____

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21 B. Plaintiff Darryl Cherney

22 Do you find that two or more of the following defendants
23 participated in a conspiracy to violate Darryl Cherney's First
24 Amendment rights? Write "Yes" next to the name of each defendant,
25 if any, you find participated in a conspiracy to violate Mr.
26 Cherney's First Amendment rights, write "No" next to the name of
27 each defendant, if any, you do not find to have participated in

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1 such a conspiracy, and write "Undecided" if you are unable to reach
2 a verdict as to a certain defendant:

- 3 Frank Doyle _____
- 4 John Reikes _____
- 5 Philip Sena _____
- 6 Stockton Buck _____
- 7 Clyde M. Sims _____
- 8 Robert Chenault _____
- 9 Michael Sitterud _____

10

11 **IV. Punitive Damages**

12 A. Fourth Amendment Claims

13 If you awarded damages to Ms. Bari for a Fourth Amendment
14 violation against a defendant or defendants in Part I, indicate
15 whether you award Ms. Bari punitive damages against that defendant
16 or defendants for that violation.

17 Yes _____ No _____

18

19 If your answer to the above question is "Yes," indicate below
20 the amount of punitive damages which that defendant or defendants
21 should pay for violation of Ms. Bari's Fourth Amendment rights:

- 22 Frank Doyle \$ _____
- 23 John Reikes \$ _____
- 24 Philip Sena \$ _____
- 25 Clyde M. Sims \$ _____
- 26 Robert Chenault \$ _____
- 27 Michael Sitterud \$ _____

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1 If you awarded damages to Mr. Cherney for a Fourth Amendment
2 violation against a defendant or defendants in Part I, indicate
3 whether you award Mr. Cherney punitive damages against that
4 defendant or defendants for that violation.

5 Yes _____ No _____

6
7 If your answer to the above question is "Yes," indicate below
8 the amount of punitive damages which that defendant or defendants
9 should pay for violation of Mr. Cherney's Fourth Amendment rights:

- 10 Frank Doyle \$ _____
- 11 John Reikes \$ _____
- 12 Philip Sena \$ _____
- 13 Clyde M. Sims \$ _____
- 14 Robert Chenault \$ _____
- 15 Michael Sitterud \$ _____

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19 B. First Amendment Claims

20 If you awarded damages to Ms. Bari for a First Amendment
21 violation against a defendant or defendants in Part II, indicate
22 whether you award Ms. Bari punitive damages against that defendant
23 or defendants for that violation.

24 Yes _____ No _____

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If your answer to the above question is "Yes," indicate below
the amount of punitive damages which that defendant or defendants

1 should pay for violation of Ms. Bari's First Amendment rights:

2 Frank Doyle \$ _____

3 John Reikes \$ _____

4 Philip Sena \$ _____

5 Stockton Buck \$ _____

6 Clyde M. Sims \$ _____

7 Robert Chenault \$ _____

8 Michael Sitterud \$ _____

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11 If you awarded damages to Mr. Cherney for a First Amendment
12 violation against a defendant or defendants in Part II, indicate
13 whether you award Mr. Cherney punitive damages against that
14 defendant or defendants for that violation.

15 Yes ____ No ____

16

17 If your answer to the above question is "Yes," indicate below
18 the amount of punitive damages which that defendant or defendants
19 should pay for violation of Mr. Cherney's First Amendment rights:

20 Frank Doyle \$ _____

21 John Reikes \$ _____

22 Philip Sena \$ _____

23 Stockton Buck \$ _____

24 Clyde M. Sims \$ _____

25 Robert Chenault \$ _____

26 Michael Sitterud \$ _____

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1 This is the unanimous verdict of the jury.

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3 Signed:

Foreperson

Date

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6 Print:

Foreperson

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