

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

No. C 91-01057 CW
VERDICT FORM

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

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 _____

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," please complete questions 2
3 through 5:

4
5 2. Place a check mark next to each defendant that you find
6 violated Ms. Bari's Fourth Amendment rights in connection with her
7 arrest:

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

14
15 3. Only as to each defendant that you find violated Ms. Bari's
16 Fourth Amendment rights in connection with her arrest as indicated
17 above, could a reasonable officer in that defendant's position have
18 believed that his conduct was lawful?

19 Answer "Yes" or "No" (do not answer for a defendant if you did not
20 place a check mark next to the defendant's name above):

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

27
28

1 4. If you answered "No" for one or more defendants above, these
2 are the defendants that you have found liable for violating Ms.
3 Bari's Fourth Amendment rights in connection with her arrest. 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 her arrest?

7 \$ _____
8

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

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

21
22 2. May 25, 1990 Search

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

26 Yes _____ No _____

27 If your answer is "No," skip questions 2 through 5 and go on to
28

1 Part I.A.3. If your answer is "Yes," please complete questions 2
2 through 5:

3

4 2. Place a check mark next to each defendant that you find
5 violated Ms. Bari's Fourth Amendment rights in connection with the
6 search warrant for the May 25, 1990 search of her home:

- 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 May 25, 1990 search of her home as indicated above, could a
16 reasonable officer in that defendant's position have believed that
17 his conduct was lawful?

18 Answer "Yes" or "No" (do not answer for a defendant if you did not
19 place a check mark next to the defendant's name above):

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

25

26 4. If you answered "No" for one or more defendants above, these
27 are the defendants that you have found liable for violating Ms.

28

1 Bari's Fourth Amendment rights in connection with the search
2 warrant for the May 25, 1990 search of her home. What amount of
3 money do you award Ms. Bari to compensate her for any injury, loss
4 or harm she suffered as a result of the Fourth Amendment violation
5 due to the May 25, 1990 search?

6 \$ _____
7

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

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

19

20 3. June 26, 1990 Search

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

24 Yes _____ No _____

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

28

1 2. Place a check mark next to each defendant that you find
2 violated Ms. Bari's Fourth Amendment rights in connection with the
3 search warrant for the June 26, 1990 search of her home:

4 Frank Doyle _____

5 John Reikes _____

6 Clyde M. Sims _____

7 Robert Chenault _____

8 Michael Sitterud _____

9

10 3. Only as to each defendant that you find violated Ms. Bari's
11 Fourth Amendment rights in connection with the search warrant for
12 the June 26, 1990 search of her home as indicated above, could a
13 reasonable officer in that defendant's position have believed that
14 his conduct was lawful?

15 Answer "Yes" or "No" (do not answer for a defendant if you did not
16 place a check mark 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 4. If you answered "No" for one or more defendants above, these
24 are the defendants that you have found liable for violating Ms.
25 Bari's Fourth Amendment rights in connection with the search
26 warrant for the June 26, 1990 search of her home. What amount of
27 money do you award Ms. Bari to compensate her for any injury, loss
28

1 or harm she suffered as a result of the Fourth Amendment violation
2 due to the June 26, 1990 search?

3 \$ _____
4

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

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

17
18
19 B. Plaintiff Darryl Cherney

20 1. Arrest

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

23 Yes _____ No _____

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

27
28

1 2. Place a check mark next to each defendant that you find
2 violated Mr. Cherney's Fourth Amendment rights in connection with
3 his arrest:

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

10

11 3. Only as to each defendant that you find violated Mr. Cherney's
12 Fourth Amendment rights in connection with his arrest as indicated
13 above, could a reasonable officer in that defendant's position have
14 believed that his conduct was lawful?

15 Answer "Yes" or "No" (do not answer for a defendant if you did not
16 place a check mark next to the defendant's name above):

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

23

24 4. If you answered "No" for one or more defendants above, these
25 are the defendants that you have found liable for violating Mr.
26 Cherney's Fourth Amendment rights in connection with his arrest.
27 What amount of money do you award Mr. Cherney to compensate him for

28

1 any injury, loss or harm he suffered as a result of the Fourth
2 Amendment violation due to his arrest?

3 \$ _____
4

5 5. For each defendant that you found liable for violating Mr.
6 Cherney's Fourth Amendment rights in connection with his arrest
7 (those for whom you have a check mark in question 2 and you
8 answered "No" in question 3 above), indicate what percentage of the
9 above damages he caused. The total of all percentages indicated
10 below must equal 100%:

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

17
18 2. May 25, 1990 Search

19 1. Did one or more of the defendants listed below violate Darryl
20 Cherney's Fourth Amendment rights in connection with the search
21 warrant for the May 25, 1990 search of his home?

22 Yes _____ No _____

23 If your answer is "No," skip questions 2 through 5 and go on to
24 Part II. If your answer is "Yes," please complete questions 2
25 through 5:
26
27
28

1 2. Place a check mark next to each defendant that you find
2 violated Mr. Cherney's Fourth Amendment rights in connection with
3 the search warrant for the May 25, 1990 search of his home:

- 4 Frank Doyle _____
5 John Reikes _____
6 Clyde M. Sims _____
7 Robert Chenault _____
8 Michael Sitterud _____

9

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

15 Answer "Yes" or "No" (do not answer for a defendant if you did not
16 place a check mark 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 4. If you answered "No" for one or more defendants above, these
24 are the defendants that you have found liable for violating Mr.
25 Cherney's Fourth Amendment rights in connection with the search
26 warrant for the May 25, 1990 search of his home. What amount of
27 money do you award Mr. Cherney to compensate him for any injury,

28

1 loss or harm he suffered as a result of the Fourth Amendment
2 violation due to the May 25, 1990 search?

3 \$ _____
4

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

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

16
17
18 **II. First Amendment Claims**

19 A. Plaintiff Judi Bari

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

22 Yes _____ No _____

23 If your answer is "No," skip questions 2 through 4 and go on to
24 Part II.B. If your answer is "Yes," please complete questions 2
25 through 4:
26
27
28

1 2. Place a check mark next to each defendant that you find
2 violated Ms. Bari's First Amendment rights:

- 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 \$ _____

15

16 4. For each defendant that you found violated Ms. Bari's First
17 Amendment rights (those for whom you have a check mark in question
18 2 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 _____ %

27

28

1 B. Plaintiff Darryl Cherney

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

4 Yes _____ No _____

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

8
9 2. Place a check mark next to each defendant that you find
10 violated Mr. Cherney's First Amendment rights:

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

18
19 3. What amount of money do you award Mr. Cherney to compensate
20 him for any injury, loss or harm he suffered as a result of the
21 First Amendment violation?

22 \$ _____

23
24
25
26 4. For each defendant that you found violated Mr. Cherney's First
27 Amendment rights (those for whom you have a check mark in question

1 2 above), indicate what percentage of the above damages he caused.

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

3 Frank Doyle _____ %

4 John Reikes _____ %

5 Philip Sena _____ %

6 Stockton Buck _____ %

7 Clyde M. Sims _____ %

8 Robert Chenault _____ %

9 Michael Sitterud _____ %

10

11

12 **III. Conspiracy Claims**

13 A. Plaintiff Judi Bari

14 Do you find that two or more of the following defendants
 15 participated in a conspiracy to violate Judi Bari's First Amendment
 16 rights? Mark "Yes" next to the name of each defendant, if any, you
 17 find participated in a conspiracy to violate Ms. Bari's First
 18 Amendment rights, and mark "No" next to the name of each defendant,
 19 if any, you do not find to have participated in such a conspiracy:

20 Frank Doyle Yes _____ No _____

21 John Reikes Yes _____ No _____

22 Philip Sena Yes _____ No _____

23 Stockton Buck Yes _____ No _____

24 Clyde M. Sims Yes _____ No _____

25 Robert Chenault Yes _____ No _____

26 Michael Sitterud Yes _____ No _____

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

B. Plaintiff Darryl Cherney

Do you find that two or more of the following defendants participated in a conspiracy to violate Darryl Cherney's First Amendment rights? Mark "Yes" next to the name of each defendant, if any, you find participated in a conspiracy to violate Mr. Cherney's First Amendment rights, and mark "No" next to the name of each defendant, if any, you do not find to have participated in such a conspiracy:

- | | | |
|------------------|-----------|----------|
| Frank Doyle | Yes _____ | No _____ |
| John Reikes | Yes _____ | No _____ |
| Philip Sena | Yes _____ | No _____ |
| Stockton Buck | Yes _____ | No _____ |
| Clyde M. Sims | Yes _____ | No _____ |
| Robert Chenault | Yes _____ | No _____ |
| Michael Sitterud | Yes _____ | No _____ |

IV. Punitive Damages

A. Fourth Amendment Claims

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

Yes _____ No _____

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

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

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Yes _____ No _____

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

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

1 B. First Amendment Claims

2 If you awarded damages to Ms. Bari for a First Amendment
3 violation against a defendant or defendants in Part II, indicate
4 whether you award Ms. Bari punitive damages against that defendant
5 or defendants for that violation.

6 Yes ____ No ____

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

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

18
19
20
21
22
23
24
25
26
27
28

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

25 Yes ____ No ____

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

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

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

This is the unanimous verdict of the jury.

Signed: _____ _____
 Foreperson Date

Print: _____

 Foreperson