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

No. C 91-01057 CW  
THIRD 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  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	<u>Y</u>
12 John Reikes	<u>Y</u>
13 Philip Sena	<u>N</u>
14 Clyde M. Sims	<u>Y</u>
15 Robert Chenault	<u>N</u>
16 Michael Sitterud	<u>N</u>

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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     N
- 9 John Reikes     Y
- 10 Philip Sena
- 11 Clyde M. Sims     N
- 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 \$ 235,000

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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  
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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            10 %  
5 John Reikes            \_\_\_\_\_ %  
6 Philip Sena            \_\_\_\_\_ %  
7 Clyde M. Sims         90 %  
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 X                    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:

19

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21

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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 Y
- 4 John Reikes Y
- 5 Clyde M. Sims Y
- 6 Robert Chenault Y
- 7 Michael Sitterud Y

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 N
- 18 John Reikes Y
- 19 Clyde M. Sims Y
- 20 Robert Chenault N
- 21 Michael Sitterud Y

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 \$ 190,000

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 70 %
- 13 John Reikes \_\_\_\_\_ %
- 14 Clyde M. Sims \_\_\_\_\_ %
- 15 Robert Chenault 30 %
- 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 X 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.

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 \$ \_\_\_\_\_  
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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 X

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

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	<u>U</u>
11	John Reikes	<u>U</u>
12	Philip Sena	<u>U</u>
13	Clyde M. Sims	<u>U</u>
14	Robert Chenault	<u>U</u>
15	Michael Sitterud	<u>U</u>

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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	<u>U</u>
25	John Reikes	<u>U</u>
26	Philip Sena	<u>U</u>
27	Clyde M. Sims	<u>U</u>

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1 Robert Chenault Y  
2 Michael Sitterud U

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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

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

3 Yes X 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 Y
- 16 John Reikes Y
- 17 Clyde M. Sims Y
- 18 Robert Chenault Y
- 19 Michael Sitterud N

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

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	<u>N</u>
9 John Reikes	<u>Y</u>
10 Clyde M. Sims	<u>Y</u>
11 Robert Chenault	<u>N</u>
12 Michael Sitterud	<u>          </u>

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 \$ 50,000

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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 70 %  
8 John Reikes \_\_\_\_\_ %  
9 Clyde M. Sims \_\_\_\_\_ %  
10 Robert Chenault 30 %  
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 X 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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23  
24

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,  
28

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

3	Frank Doyle	<u>Y</u>
4	John Reikes	<u>Y</u>
5	Philip Sena	<u>Y</u>
6	Stockton Buck	<u>N</u>
7	Clyde M. Sims	<u>Y</u>
8	Robert Chenault	<u>N</u>
9	Michael Sitterud	<u>N</u>

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

\$ 1,175,000

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

Frank Doyle	<u>22.5%</u>
John Reikes	<u>22.5%</u>
Philip Sena	<u>5%</u>
Stockton Buck	<u>      </u> %
Clyde M. Sims	<u>50%</u>
Robert Chenault	<u>      </u> %
Michael Sitterud	<u>      </u> %

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 X No      Undecided     

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

8  
9 2. Write "Yes" next to each defendant that you find violated Mr.  
10 Cherney's First Amendment rights, write "No" next to each defendant  
11 that you find did not violate Mr. Cherney's First Amendment rights,  
12 and write "Undecided" if you are unable to reach a verdict as to a  
13 certain defendant:

- 14 Frank Doyle Y
- 15 John Reikes Y
- 16 Philip Sena Y
- 17 Stockton Buck N
- 18 Clyde M. Sims Y
- 19 Robert Chenault N
- 20 Michael Sitterud Y

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

25 \$ 800,000

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	<u>17.5</u> %
6	John Reikes	<u>17.5</u> %
7	Philip Sena	<u>5</u> %
8	Stockton Buck	<u>    </u> %
9	Clyde M. Sims	<u>50</u> %
10	Robert Chenault	<u>    </u> %
11	Michael Sitterud	<u>10</u> %

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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	<u>N</u>
12 John Reikes	<u>N</u>
13 Philip Sena	<u>N</u>
14 Stockton Buck	<u>N</u>
15 Clyde M. Sims	<u>N</u>
16 Robert Chenault	<u>N</u>
17 Michael Sitterud	<u>N</u>

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

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**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   X   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 Ms. Bari's Fourth Amendment rights:

- Frank Doyle     \$ 300,000
- John Reikes     \$
- Philip Sena     \$
- Clyde M. Sims     \$
- Robert Chenault     \$
- Michael Sitterud     \$

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 X 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 \$ 100,000
- 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 X No \_\_\_\_\_

25  
26 If your answer to the above question is "Yes," indicate below  
27 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 \$ 600,000

4 Philip Sena \$ \_\_\_\_\_

5 Stockton Buck \$ \_\_\_\_\_

6 Clyde M. Sims \$ 400,000

7 Robert Chenault \$ \_\_\_\_\_

8 Michael Sitterud \$ \_\_\_\_\_

9

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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 X 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 \$ 300,000

22 Philip Sena \$ \_\_\_\_\_

23 Stockton Buck \$ \_\_\_\_\_

24 Clyde M. Sims \$ 250,000

25 Robert Chenault \$ \_\_\_\_\_

26 Michael Sitterud \$ \_\_\_\_\_

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1 This is the unanimous verdict of the jury.

2

3 Signed:

\_\_\_\_\_  
Foreperson

\_\_\_\_\_  
Date

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6 Print:

\_\_\_\_\_  
Foreperson

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