

Jury

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

122
C

ELIZABETH GONZALEZ and MICHAEL FYVIE
and CHARLES FRISBEE,

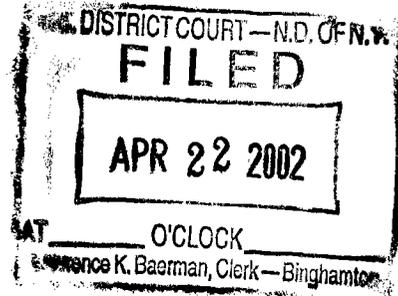
Plaintiffs,

VERDICT SHEET FORM

- against -

Civil Action No. 00-CV-0824
Hon. Thomas J. McAvoy

THE CITY OF SCHENECTADY, RICHARD BARNETT,
MICHAEL SILER, THOMAS MATTICE, MICHAEL
GLASSER, MARISELA MOSHER, WILLIAM LACHANSKI, and
ERIC HESCH, Individually and as Agents, Servants and/or
Employees and Police Officers of the City of Schenectady and
the City of Schenectady Police Department, and "JOHN DOE"
and "JANE DOE", Individually and being Unnamed Agents,
Servants and/or Employees and Police Officers of the
City of Schenectady and the City of Schenectady Police Department,



Defendants.

PLEASE NOTE - Each Juror will be provided with a Verdict Sheet Form in order to facilitate understanding of the charge and to aid in deliberation as to the elements of each claim. HOWEVER, YOUR VERDICT SHOULD BE REPORTED TO THE JUDGE ON ONLY ONE VERDICT SHEET FORM WHICH IS SIGNED BY THE JURY FOREPERSON. The remaining Verdict Sheet Forms should be returned to the courtroom deputy unsigned. Each question must be answered unanimously.

ALSO, please carefully follow the directions accompanying each question.

ELIZABETH GONZALEZ

Section 1983 Claims

1. Has Elizabeth Gonzalez made out a Section 1983 claim based upon her allegation of an unjustifiable stop by Officer Eric Hesch?

Yes No

If yes, go to question 2. If no, go to question 4.

2. Is Officer Eric Hesch entitled to qualified immunity for the stop of Elizabeth Gonzalez?

Yes No

If yes, go to question 4. If no, go to question 3.

3. State the amount of actual or nominal damages to be awarded to Elizabeth Gonzalez for the unconstitutional stop.

\$ 12,500

Go to question 4.

4. Has Elizabeth Gonzalez made out a Section 1983 claim for false arrest against Officer Eric Hesch based upon her allegation that she was arrested after being stopped and brought to the station?

Yes No

If yes, go to question 5. If no, go to question 7.

5. Is Officer Eric Hesch entitled to qualified immunity for the arrest of Elizabeth Gonzalez?

Yes No

If yes, go to question 7. If no, go to question 6.

6. State the amount of actual or nominal damages to be awarded to Elizabeth Gonzalez for the false arrest:

\$ _____

Go to question 7.

7. Was Elizabeth Gonzalez strip searched?

_____ Yes No

If yes, go to question 8. If no, go to question 10.

8. State the amount of actual or nominal damages to be awarded to Elizabeth Gonzalez for the strip search.

\$ _____

Go to question 9.

9. Did the plaintiff establish that Officer Eric Hesch ordered, directed, or participated in the strip search?

_____ Yes _____ No

Go to question 10.

MICHAEL FYVIE
Section 1983 Claims

10. Has Michael Fyvie made out a Section 1983 claim of false arrest against Officer Michael Glasser?

_____ Yes No

If yes, go to question 11. If no, go to question 13.

11. Is Officer Michael Glasser entitled to qualified immunity for the arrest of Michael Fyvie?

Yes No

If yes, go to question 13. If no, go to question 12.

12. State the amount of actual or nominal damages to be awarded to Michael Fyvie for the false arrest.

\$

Go to question 13.

13. Was Michael Fyvie strip-searched by, or in the presence of, Officer Michael Glasser?

Yes No

Go to question 14.

14. Is Sergeant William Lachansky subject to supervisory liability for the strip-search of Michael Fyvie?

Yes No

Go to question 15.

15. State the amount of actual or nominal damages to be awarded to Michael Fyvie for the strip-search.

\$ 75,000

Go to question 16.

ELIZABETH GONZALEZ
State Common Law Claims

16. Has Elizabeth Gonzalez made out a state common law claim of false arrest based upon her allegation of an unjustifiable stop by Officer Eric Hesch?

Yes No

If yes, go to question 17. If no, go to question 18.

17. State the amount of compensatory damages you award Elizabeth Gonzalez on the state common law claim of false arrest based upon an unjustifiable stop against Officer Eric Hesch Gonzalez. Do not award any additional damages if you have answered question 3 above.

\$

Go to question 18.

18. Has Elizabeth Gonzalez made out a state common law claim for false arrest against Officer Eric Hesch based upon her allegation that she was arrested after being stopped and brought to the station?

Yes No

If yes, go to question 19. If no, go to question 20.

19. State the amount of compensatory damages you award Elizabeth Gonzalez on the state common law claim of false arrest based upon being arrested and brought to the station against Officer Eric Hesch. Do not award any additional damages if you have answered question 6 above.

\$ 2,500

Go to question 20.

20. Has Elizabeth Gonzalez made out a state common law claim for battery against Officer Eric Hesch based upon her allegation that she was illegally stopped and then improperly frisked ?

_____ Yes No

If yes, go to question 21. If no, go to question 22 .

21. State the amount of compensatory damages you award Elizabeth Gonzalez on the state common law claim of battery against Officer Eric Hesch .

\$ _____

Go to question 22.

MICHAEL FYVIE
State Common Law Claims

22. Has Michael Fyvie made out a state common law claim of false arrest against Officer Michael Glasser?

_____ Yes No

If yes, go to question 23. If no, go to question 24 .

23. State the amount of compensatory damages you award Michael Fyvie on the state common law claim of false arrest against Officer Michael Glasser? Do not award any additional damages if you have answered question 12 above.

\$ _____

Go to question 24.

24. Has Michael Fyvie made out a state common law claim of battery against Officer Michael Glasser based upon his allegation that he was illegally arrested and then improperly handcuffed ?

_____ Yes ✓ No

If yes, go to question 25. If no, go to question 26 .

25. State the amount of compensatory damages you award Michael Fyvie on the state common law claim of battery against Officer Michael Glasser?

\$ _____

Go to question 26.

26. Has Michael Fyvie made out a state common law claim of battery against Officer Thomas Mattice based upon his allegation that he was slapped while at the station house ?

_____ Yes ✓ No

If yes, go to question 27. If no, go to instructions before question 28.

27. State the amount of compensatory damages you award Michael Fyvie on the state common law claim of battery against Officer Thomas Mattice?

\$ _____

Go to question 28 ONLY IF you awarded at least \$1 in damages on question 3, 6, 17, 19, OR, 21, OR if you answered "yes" to question 9. If you did not meet one of these conditions, go to the instructions before question 30.

PUNITIVE DAMAGES

28. Is Elizabeth Gonzalez entitled to punitive damages as against Officer Eric Hesch?

Yes No

If yes, go to question 29. If no, go to the instructions before question 30.

29. State the amount of punitive damages to be awarded to Elizabeth Gonzalez as against Officer Eric Hesch.

\$ _____

Go to question 30 ONLY IF you awarded at least \$1 in damages on question 12, 23, 25 OR 27 OR answered "yes" to question 13. If you did not meet one of these conditions, go to question 32.

30. Is Michael Fyvie entitled to punitive damages as against Officer Michael Glasser?

Yes No

If yes, go to question 31. If no, go to question 32.

31. State the amount of punitive damages to be awarded to Michael Fyvie as against Officer Michael Glasser.

\$ _____

Go to question 32.

32. Is Michael Fyvie entitled to punitive damages as against Officer Marisela Mosher for her participation in Michael Fyvie's strip search ?

Yes No

If yes, go to question 33. If no, go to the instructions before question 34.

33. State the amount of punitive damages to be awarded to Michael Fyvie as against Officer Marisela Mosher

\$ 2,500

Go to question 34 ONLY IF your answer to question 14 was "yes." If your answer to question 14 was "no", go to question 36.

34. Is Michael Fyvie entitled to punitive damages as against Sergeant William Lachansky for his participation in Michael Fyvie's strip search ?

Yes No

If yes, go to question 35. If no, go to the instructions before question 34.

35. State the amount of punitive damages to be awarded to Michael Fyvie as against Sergeant William Lachansky.

\$ 10,000

Go to question 36.

36. Is Michael Fyvie entitled to punitive damages as against Officer Thomas Mattice?
NOTE: The Court has already found that Officer Thomas Mattice participated in the strip search of Michael Fyvie. You may award punitive damages based upon this conduct. In addition, you may award punitive damages if you answered "yes" to this question 26.

Yes No

If yes, go to question 37. If no, go to end.

37. State the amount of punitive damages to be awarded to Michael Fyvie as against Officer Thomas Mattice.

\$ —

PLEASE REPORT YOUR VERDICT TO THE MARSHAL. PLEASE REMEMBER TO
DATE AND SIGN THIS VERDICT SHEET. THANK YOU.

4-22-02
Date

Beverly J. Fett
Foreperson