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

CLARK SULLIVAN, ADAM  
BREDENBERG, and BENJAMIN ROYER,

No. C 17-06051 WHA

Plaintiffs,

v.

CITY OF BERKELEY,

Defendant.

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**SPECIAL VERDICT FORM**

When answering the following questions and filling out this special verdict form, please follow the directions provided throughout this special verdict form and the final charge to the jury. Your answer to each question must be unanimous. Answer the questions separately for each plaintiff.

1 **QUESTION 1:** Has plaintiff proven that he engaged in  
 2 conduct protected by the First Amendment? Please  
 3 write "Yes" or "No."  
 4 *If you answered "No" for any plaintiff, then you have*  
 5 *found in favor of the City on that plaintiff's First*  
 6 *Amendment claim and you should skip to Question 5 for*  
 7 *that plaintiff. If you answered "Yes," continue to*  
 8 *Question 2.*

Clark Sullivan	Adam Bredenberg	Benjamin Royer
yes	yes	yes

10 **QUESTION 2:** Has plaintiff proven that the City of  
 11 Berkeley deprived him of his First Amendment rights  
 12 by targeting him for enforcement of anti-lodging laws?  
 13 Please write "Yes" or "No."  
 14 *If you answered "No" for any plaintiff, then you have*  
 15 *found in favor of the City on that plaintiff's First*  
 16 *Amendment claim and you should skip to Question 5 for*  
 17 *that plaintiff. If you answered "Yes," continue to*  
 18 *Question 3.*

Clark Sullivan	Adam Bredenberg	Benjamin Royer
NO	NO	NO

20 **QUESTION 3:** Has the City proven that it would have  
 21 taken the same enforcement actions against plaintiff  
 22 even in the absence of the protected conduct? Please  
 23 write "Yes" or "No."  
 24 *If you answered "Yes" for any plaintiff, then you have*  
 25 *found in favor of the City on that plaintiff's First*  
 26 *Amendment claim and you should skip to Question 5 for*  
 27 *that plaintiff. If you answered "No," continue to*  
 28 *Question 4.*

Clark Sullivan	Adam Bredenberg	Benjamin Royer

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**QUESTION 4:** If you answered “No” to Question 3 for plaintiff, what amount of damages, if any, has that plaintiff proven that he suffered as a result of the City’s conduct? (If no damages have been proven but you nonetheless have found a constitutional violation, you must award nominal damages up to one dollar.)

*Continue to Question 5.*

Clark Sullivan	Adam Bredenberg	Benjamin Royer

**QUESTION 5:** Has plaintiff proven that the City of Berkeley violated his Fourteenth Amendment right to due process by failing to give him reasonable notice that his unattended property had been collected and stored so that he could pursue available remedies for its return? Please write “Yes” or “No.”

*If you answered “No” for a particular plaintiff, then you have found in favor of the City on that plaintiff’s Fourteenth Amendment claim and you are done — go to the end, sign, and date the form. If you answered “Yes,” continue to Question 6.*

Clark Sullivan	Adam Bredenberg	Benjamin Royer
No	No	NO

**QUESTION 6:** If you answered “Yes” to Question 5 for plaintiff, what amount of damages, if any, has that plaintiff proven that he has suffered as a result of the City’s conduct? (If no damages have been proven but you nonetheless have found a constitutional violation, you must award nominal damages up to one dollar.)

Clark Sullivan	Adam Bredenberg	Benjamin Royer

1           You have now reached the end of the verdict form and should review it to ensure it  
2 accurately reflects your unanimous determinations. Your presiding juror should then sign and  
3 date the verdict form in the spaces below and notify the judge (through the court security  
4 officer) that you have reached a verdict. The presiding juror should place the verdict form in  
5 the envelope provided and bring it when the jury returns to the courtroom to deliver the verdict.

6  
7 Dated: May 24, 2019.

Joy Randel  
Joy Randel  
FOREPERSON

United States District Court

For the Northern District of California

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