

<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO</p> <p><input type="checkbox"/> CENTRAL DIVISION, CENTRAL COURTHOUSE, 1100 UNION ST., SAN DIEGO, CA 92101</p> <p><input type="checkbox"/> CENTRAL DIVISION, COUNTY COURTHOUSE, 220 W. BROADWAY, SAN DIEGO, CA 92101</p> <p><input checked="" type="checkbox"/> CENTRAL DIVISION, HALL OF JUSTICE, 330 W. BROADWAY, SAN DIEGO, CA 92101</p> <p><input type="checkbox"/> EAST COUNTY DIVISION, 250 E. MAIN ST., EL CAJON, CA 92020</p> <p><input type="checkbox"/> NORTH COUNTY DIVISION, 325 S. MELROSE DR., VISTA, CA 92081</p> <p><input type="checkbox"/> SOUTH COUNTY DIVISION, 500 3RD AVE., CHULA VISTA, CA 91910</p>	<p style="text-align: right;"><i>FOR COURT USE ONLY</i></p> <p style="text-align: center;">FILED Clerk of the Superior Court</p> <p style="text-align: center;">MAR 06 2023</p> <p style="text-align: center;">By: N. Calantoc, Deputy</p>
<p>PLAINTIFF(S)</p> <p>CHRISTOPHER WILLIAMS</p>	
<p>DEFENDANT(S)</p> <p>DAVID ARAMBULA ET AL.</p>	
<p style="text-align: center;">JURY INSTRUCTIONS</p>	<p>CASE NUMBER</p> <p>37-2018-00023369-CU-PO-CTL</p>

JURY INSTRUCTIONS

GIVEN

REFUSED

WITHDRAWN

CACI 5000

DUTIES OF THE JUDGE AND JURY

The attorneys will have one more chance to talk to you in closing arguments. Before they do
Members of the jury, you have now heard all the evidence and the closing arguments of the attorneys. It is my duty to instruct you on the law that applies to this case. You must follow these instructions as well as those that I previously gave you. You ~~will have a copy of my instructions with you when you go to the jury room to deliberate. [I have provided each of you with your own copy of the instructions.] [I will display each instruction on the screen.]~~

You must decide what the facts are. You must consider all the evidence and then decide what you think happened. You must decide the facts based on the evidence admitted in this trial.

Do not allow anything that happens outside this courtroom to affect your decision. Do not talk about this case or the people involved in it with anyone, including family and persons living in your household, friends and coworkers, spiritual leaders, advisors, or therapists. Do not do any research on your own or as a group. Do not use dictionaries or other reference materials.

These prohibitions on communications and research extend to all forms of electronic communications. Do not use any electronic devices or media, such as a cell phone or smart phone, PDA, computer, tablet device, the Internet, any Internet service, any text or instant- messaging service, any Internet chat room, blog, or website, including social networking websites or online diaries, to send or receive any information to or from anyone about this case or your experience as a juror until after you have been discharged from your jury duty.

Do not investigate the case or conduct any experiments. Do not contact anyone to assist you, such as a family accountant, doctor, or lawyer. Do not visit or view the scene of any event involved in this case. If you happen to pass by the scene, do not stop or investigate. All jurors must see or hear the same evidence at the same time. Do not read, listen to, or watch any news accounts of this trial. You must not let bias, sympathy, prejudice, or public opinion influence your decision.

I will now tell you the law that you must follow to reach your verdict. You must follow the law exactly as I give it to you, even if you disagree with it. If the attorneys have said anything different about what the law means, you must follow what I say.

In reaching your verdict, do not guess what I think your verdict should be from something I may have said or done.

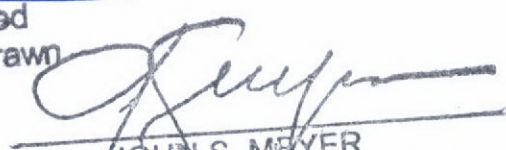
Pay careful attention to all the instructions that I give you. All the instructions are important because together they state the law that you will use in this case. You must consider all of the instructions together.

After you have decided what the facts are, you may find that some instructions do not apply. In that case, follow the instructions that do apply and use them together with the facts to reach your verdict.

If I repeat any ideas or rules of law during my instructions, that does not mean that these ideas or rules are more important than the others. In addition, the order in which the instructions are given does not make any difference.

Most of the instructions are typed. However, some handwritten or typewritten words may have been added, and some words may have been deleted. Do not discuss or consider why words may have been added or deleted. Please treat all the words the same, no matter what their format. Simply accept the instruction in its final form.

~~Requested by Plaintiff / Defendant~~
~~Given~~
~~Given As Modified~~
Retused
Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 5002

EVIDENCE

You must decide what the facts are in this case only from the evidence you have seen or heard during the trial, including any exhibits that I admit into evidence. Sworn testimony, documents, or anything else may be admitted into evidence. You may not consider as evidence anything that you saw or heard when court was not in session, even something done or said by one of the parties, attorneys, or witnesses.

What the attorneys say during the trial is not evidence. In their opening statements and closing arguments, the attorneys talk to you about the law and the evidence. What the lawyers say may help you understand the law and the evidence, but their statements and arguments are not evidence.

The attorneys' questions are not evidence. Only the witnesses' answers are evidence. You should not think that something is true just because an attorney's question suggested that it was true. [However, the attorneys for both sides have agreed that certain facts are true. This agreement is called a stipulation. No other proof is needed and you must accept those facts as true in this trial.]

Each side had the right to object to evidence offered by the other side. If I sustained an objection to a question, ignore the question and do not guess as to why I sustained the objection.

If the witness did not answer, you must not guess what he or she might have said. If the witness already answered, you must ignore the answer.

[During the trial I granted a motion to strike testimony that you heard. You must totally disregard that testimony. You must treat it as though it did not exist.]

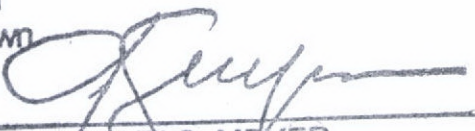
Requested by Plaintiff / Defendant

Given

Given As Modified

Refused

Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 5003

WITNESSES

A witness is a person who has knowledge related to this case. You will have to decide whether you believe each witness and how important each witness's testimony is to the case. You may believe all, part, or none of a witness's testimony.

In deciding whether to believe a witness's testimony, you may consider, among other factors, the following:

- (a) How well did the witness see, hear, or otherwise sense what the witness described in court?
- (b) How well did the witness remember and describe what happened?
- (c) How did the witness look, act, and speak while testifying?
- (d) Did the witness have any reason to say something that was not true? For example, did the witness show any bias or prejudice or have a personal relationship with any of the parties involved in the case or have a personal stake in how this case is decided?
- (e) What was the witness's attitude toward this case or about giving testimony?

Sometimes a witness may say something that is not consistent with something else the witness said. Sometimes different witnesses will give different versions of what happened. People often forget things or make mistakes in what they remember. Also, two people may see the same event but remember it differently. You may consider these differences, but do not decide that testimony is untrue just because it differs from other testimony.

However, if you decide that a witness did not tell the truth about something important, you may choose not to believe anything that witness said. On the other hand, if you think the witness did not tell the truth about some things but told the truth about others, you may accept the part you think is true and ignore the rest.

Do not make any decision simply because there were more witnesses on one side than on the other. If you believe it is true, the testimony of a single witness is enough to prove a fact.

You must not be biased in favor of or against any witness because of the witness's disability, gender, race, religion, ethnicity, sexual orientation, age, national origin, or socioeconomic status.


Requested by Plaintiff / Defendant

Given

Given As Modified

Retused

Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 5005

MULTIPLE PARTIES

There are two defendants in this trial. You should decide the case against each defendant separately as if it were a separate lawsuit. Each defendant is entitled to separate consideration of each defendant's own defenses.

Different aspects of this case involve different parties (plaintiffs and defendants). Each instruction will identify the parties to whom it applies. Pay particular attention to the parties named in each instruction.

~~Requested by Plaintiff / Defendant~~

Given

Given As Modified

Refused

Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 5006

NONPERSON PARTY

A city, the City of Lemon Grove, is a party in this lawsuit. City of Lemon Grove is entitled to the same fair and impartial treatment that you would give to an individual. You must decide this case with the same fairness that you would use if you were deciding the case between individuals.

When I use words like “person” or “he” or “she” in these instructions to refer to a party, those instructions also apply to City of Lemon Grove.

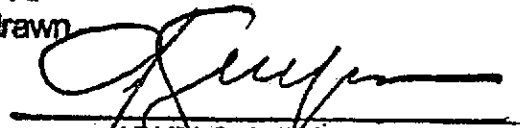
~~Requested by Plaintiff / Defendant~~

Given

Given As Modified

Refused

Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 5009

PREDELIBERATION INSTRUCTIONS

When you go to the jury room, the first thing you should do is choose a presiding juror. The presiding juror should see to it that your discussions are orderly and that everyone has a fair chance to be heard.

It is your duty to talk with one another in the jury room and to consider the views of all the jurors. Each of you must decide the case for yourself, but only after you have considered the evidence with the other members of the jury. Feel free to change your mind if you are convinced that your position should be different. You should all try to agree. But do not give up your honest beliefs just because the others think differently.

Please do not state your opinions too strongly at the beginning of your deliberations or immediately announce how you plan to vote as it may interfere with an open discussion. Keep an open mind so that you and your fellow jurors can easily share ideas about the case.

You should use your common sense and experience in deciding whether testimony is true and accurate. However, during your deliberations, do not make any statements or provide any information to other jurors based on any special training or unique personal experiences that you may have had related to matters involved in this case. What you may know or have learned through your training or experience is not a part of the evidence received in this case.

Sometimes jurors disagree or have questions about the evidence or about what the witnesses said in their testimony. If that happens, you may ask to have testimony read back to you [or ask to see any exhibits admitted into evidence that have not already been provided to you]. Also, jurors may need further explanation about the laws that apply to the case. If this happens during your discussions, write down your questions and give them to the [clerk/bailiff/court attendant]. I will talk with the attorneys before I answer so it may take some time. You should continue your deliberations while you wait for my answer. I will do my best to answer them. When you write me a note, do not tell me how you voted on an issue until I ask for this information in open court.

Your decision must be based on your personal evaluation of the evidence presented in the case. Each of you may be asked in open court how you voted on each question.

While I know you would not do this, I am required to advise you that you must not base your decision on chance, such as a flip of a coin. If you decide to award damages, you may not agree in advance to simply add up the amounts each juror thinks is right and then, without further deliberations, make the average your verdict.

You may take breaks, but do not discuss this case with anyone, including each other, until all of you are back in the jury room.

~~Requested by Plaintiff / Defendant~~

~~Given~~

Given As Modified

Refused

Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 5010

TAKING NOTES DURING THE TRIAL

If you have taken notes during the trial, you may take your notebooks with you into the jury room.

You may use your notes only to help you remember what happened during the trial. Your independent recollection of the evidence should govern your verdict. You should not allow yourself to be influenced by the notes of other jurors if those notes differ from what you remember.

At the end of the trial, your notes will be [collected and destroyed/ collected and retained by the court but not as a part of the case record/ *[specify other disposition]*].

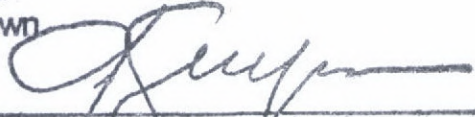
Requested by Plaintiff / Defendant

Given

Given As Modified

Refused

Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 200

OBLIGATION TO PROVE -- MORE LIKELY TRUE THAN NOT TRUE

A party must persuade you, by the evidence presented in court, that what he or she is required to prove is more likely to be true than not true. This is referred to as "the burden of proof."

After weighing all of the evidence, if you cannot decide that something is more likely to be true than not true, you must conclude that the party did not prove it. You should consider all the evidence, no matter which party produced the evidence.

In criminal trials, the prosecution must prove that the defendant is guilty beyond a reasonable doubt. But in civil trials, such as this one, the party who is required to prove something need prove only that it is more likely to be true than not true.

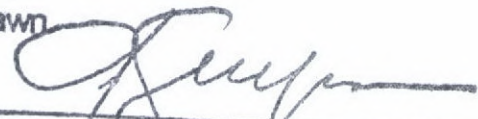
Requested by Plaintiff / Defendant

Given

Given As Modified

Refused

Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 201

HIGHLY PROBABLE – CLEAR AND CONVINCING PROOF

Certain facts must be proved by clear and convincing evidence, which is a higher burden of proof. This means the party must persuade you that it is highly probable that the fact is true. I will tell you specifically which facts must be proved by clear and convincing evidence.

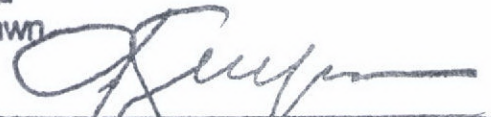
Requested by Plaintiff / Defendant

Given

Given As Modified

Refused

Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 202

DIRECT AND INDIRECT EVIDENCE

Evidence can come in many forms. It can be testimony about what someone saw or heard or smelled. It can be an exhibit admitted into evidence. It can be someone's opinion.

Direct evidence can prove a fact by itself. For example, if a witness testifies she saw a jet plane flying across the sky, that testimony is direct evidence that a plane flew across the sky. Some evidence proves a fact indirectly. For example, a witness testifies that he saw only the white trail that jet planes often leave. This indirect evidence is sometimes referred to as "circumstantial evidence." In either instance, the witness's testimony is evidence that a jet plane flew across the sky.

As far as the law is concerned, it makes no difference whether evidence is direct or indirect. You may choose to believe or disbelieve either kind. Whether it is direct or indirect, you should give every piece of evidence whatever weight you think it deserves.

Requested by Plaintiff / Defendant

Given

Given As Modified

Refused

Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 203

PARTY HAVING POWER TO PRODUCE BETTER EVIDENCE

You may consider the ability of each party to provide evidence. If a party provided weaker evidence when it could have provided stronger evidence, you may distrust the weaker evidence.

Requested by Plaintiff / Defendant

Given

Given As Modified

Refused

Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 205

FAILURE TO EXPLAIN OR DENY EVIDENCE

If a party failed to explain or deny evidence against them when they could reasonably be expected to have done so based on what they knew, you may consider their failure to explain or deny in evaluating that evidence.

It is up to you to decide the meaning and importance of the failure to explain or deny evidence against the party.

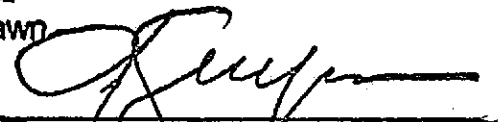
Requested by Plaintiff / Defendant

Given

Given As Modified

Refused

Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 207

EVIDENCE APPLICABLE TO ONE PARTY

During the trial, I explained that certain evidence could be considered as to only one party.
You may not consider that evidence as to any other party.

Requested by Plaintiff / Defendant

Given

Given As Modified

Refused

Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 208

DEPOSITION AS SUBSTANTIVE EVIDENCE

During the trial, you received deposition testimony that was read from the deposition transcript. A deposition is the testimony of a person taken before trial. At a deposition the person is sworn to tell the truth and is questioned by the attorneys. You must consider the deposition testimony that was presented to you in the same way as you consider testimony given in court.

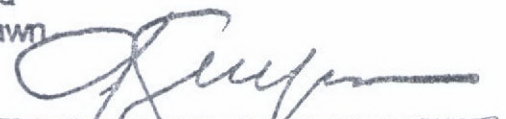
Requested by Plaintiff / Defendant

Given

Given As Modified

Refused

Withdrawn



JOHN S. MEYER

Judge of the Superior Court

CACI 209

USE OF INTERROGATORIES OF A PARTY

Before trial, each party has the right to ask the other parties to answer written questions. These questions are called interrogatories. The answers are also in writing and are given under oath. You must consider the questions and answers that were read to you the same as if the questions and answers had been given in court.

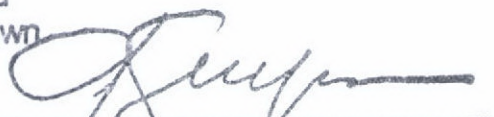
Requested by Plaintiff / Defendant

Given

Given As Modified

Refused

Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 212

STATEMENTS OF A PARTY OPPONENT

A party may offer into evidence any oral or written statement made by an opposing party outside the courtroom. When you evaluate evidence of such a statement, you must consider these questions:

1. Do you believe that the party actually made the statement? If you do not believe that the party made the statement, you may not consider the statement at all.
2. If you believe that the statement was made, do you believe it was reported accurately?

You should view testimony about an oral statement made by a party outside the courtroom with caution.

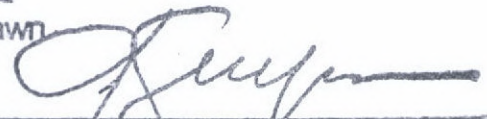
Requested by Plaintiff / Defendant

Given

Given As Modified

Refused

Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 223

OPINION TESTIMONY OF LAY WITNESS

A witness [who was not testifying as an expert] gave an opinion during the trial. You may, but are not required to, accept that opinion. You may give the opinion whatever weight you think is appropriate.

Consider the extent of the witness's opportunity to perceive the matters on which the opinion is based, the reasons the witness gave for the opinion, and the facts or information on which the witness relied in forming that opinion. You must decide whether information on which the witness relied was true and accurate. You may disregard all or any part of an opinion that you find unbelievable, unreasonable, or unsupported by the evidence.

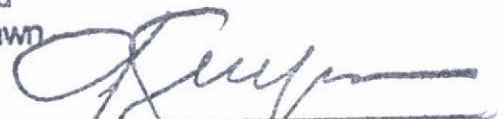
Requested by Plaintiff / Defendant

Given

Given As Modified

Retused

Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 430

CAUSATION: SUBSTANTIAL FACTOR

A substantial factor in causing harm is a factor that a reasonable person would consider to have contributed to the harm. It must be more than a remote or trivial factor. It does not have to be the only cause of the harm.

Conduct is not a substantial factor in causing harm if the same harm would have occurred without that conduct.

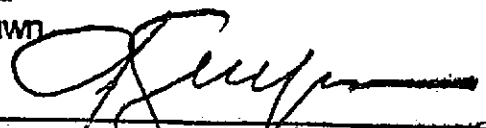
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Given As Modified

Refused

Withdrawn



JOHN S. MEYER
Judge of the Superior Court

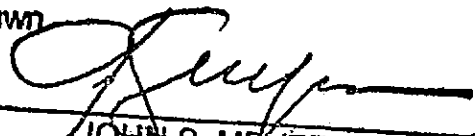
CACI 1300

BATTERY—ESSENTIAL FACTUAL ELEMENTS

Christopher Williams claims that David Arambula committed a battery. To establish this claim, Christopher Williams must prove all of the following:

1. That David Arambula touched Christopher Williams or caused Christopher Williams to be touched with the intent to harm or offend him;
2. That Christopher Williams did not consent to the touching; and
3. That Christopher Williams was harmed or offended by David Arambula's conduct.

Requested by Plaintiff / Defendant
Given
Given As Modified
Retused
Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 1301

ASSAULT—ESSENTIAL FACTUAL ELEMENTS

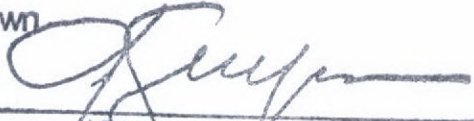
Christopher Williams claims that David Arambula assaulted him. To establish this claim, Christopher Williams must prove all of the following:

1. That David Arambula acted, intending to cause harmful or offensive contact;
2. That Christopher Williams reasonably believed that he was about to be touched in a harmful manner;
3. That Christopher Williams did not consent to David Arambula's conduct;
4. That Christopher Williams was harmed; and
5. That David Arambula's conduct was a substantial factor in causing Christopher Williams' harm.

A touching is offensive if it offends a reasonable sense of personal dignity.

Words alone do not amount to an assault.

Requested by Plaintiff / Defendant
Given
Given As Modified
Refused
Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 1304

AFFIRMATIVE DEFENSE—SELF-DEFENSE/DEFENSE OF OTHERS

David Arambula claims that he is not responsible for Christopher Williams' harm because he was acting in self-defense. To succeed, David Arambula must prove both of the following:

1. That David Arambula reasonably believed that Christopher Williams was going to harm him; and
2. That David Arambula used only the amount of force that was reasonably necessary to protect himself.

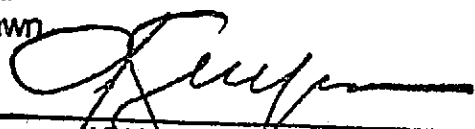
~~Requested by Plaintiff / Defendant~~

~~Given~~

Given As Modified

Refused

Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 1320

INTENT

David Arambula acted intentionally if he intended to assault or batter Christopher Williams or if he was substantially certain that the assault or battery would result from his conduct.

Requested by Plaintiff / Defendant

Given

Given As Modified

Refused

Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 1600

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS—ESSENTIAL
FACTUAL ELEMENTS**

Christopher Williams claims that David Arambula's conduct caused him to suffer severe emotional distress. To establish this claim, Christopher Williams must prove all of the following:

1. That David Arambula's conduct was outrageous;
2. That David Arambula intended to cause Christopher Williams emotional distress;

or

That David Arambula acted with reckless disregard of the probability that Christopher Williams would suffer emotional distress, knowing that Christopher Williams was present when the conduct occurred;

3. That Christopher Williams suffered severe emotional distress; **and**
4. That David Arambula's conduct was a substantial factor in causing Christopher Williams' severe emotional distress.

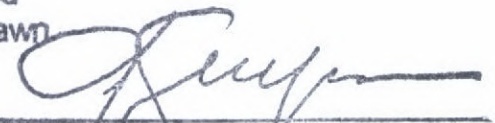
Requested by Plaintiff / Defendant

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Given As Modified

Refused

Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 1602

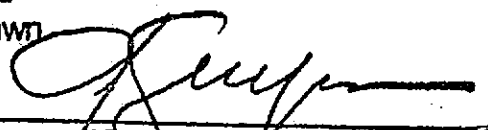
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS— “OUTRAGEOUS
CONDUCT” DEFINED**

“Outrageous conduct” is conduct so extreme that it goes beyond all possible bounds of decency. Conduct is outrageous if a reasonable person would regard the conduct as intolerable in a civilized community. Outrageous conduct does not include trivialities such as indignities, annoyances, hurt feelings, or bad manners that a reasonable person is expected to endure.

In deciding whether David Arambula’s conduct was outrageous, you may consider, among other factors, the following:

- (a) Whether David Arambula abused a position of authority or a relationship that gave him real or apparent power to affect Christopher Williams’ interests;
- (b) Whether David Arambula knew that Christopher Williams was particularly vulnerable to emotional distress; and
- (c) Whether David Arambula knew that his conduct would likely result in harm due to mental distress.

Requested by Plaintiff / Defendant
Given
Given As Modified
Refused
Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 1603

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS—“RECKLESS
DISREGARD” DEFINED**

David Arambula acted with reckless disregard in causing Christopher Williams emotional distress if:

1. David Arambula knew that emotional distress would probably result from his conduct;

or

2. David Arambula gave little or no thought to the probable effects of his conduct.

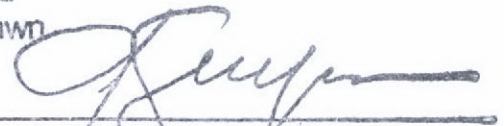
Requested by Plaintiff / Defendant

Given

Given As Modified

Refused

Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 1604

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS— “SEVERE
EMOTIONAL DISTRESS” DEFINED**

Emotional distress includes suffering, anguish, fright, horror, nervousness, grief, anxiety, worry, shock, humiliation, and shame.

“Severe emotional distress” is not mild or brief; it must be so substantial or long lasting that no reasonable person in a civilized society should be expected to bear it. Christopher Williams is not required to prove physical injury to recover damages for severe emotional distress.

Requested by Plaintiff / Defendant

Given

Given As Modified

Refused

Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 1605

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS—AFFIRMATIVE
DEFENSE—PRIVILEGED CONDUCT**

David Arambula claims he is not responsible for Christopher Williams' harm, if any, because David Arambula's conduct was permissible. To succeed, David Arambula must prove all of the following:

1. That David Arambula was exercising his legal right to self-defense or protecting his economic interests;
2. That David Arambula 's conduct was lawful and consistent with community standards; and
3. That David Arambula had a good-faith belief that he had a legal right to engage in the conduct.

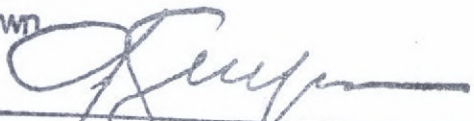
Requested by Plaintiff / Defendant

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Given As Modified

Refused

Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 3900

INTRODUCTION TO TORT DAMAGES – LIABILITY CONTESTED

If you decide that Christopher Williams has proved his claim against David Arambula, you also must decide how much money will reasonably compensate Christopher Williams for the harm. This compensation is called “damages.”

The amount of damages must include an award for each item of harm that was caused by David Arambula’s wrongful conduct, even if the particular harm could not have been anticipated.

Christopher Williams does not have to prove the exact amount of damages that will provide reasonable compensation for the harm. However, you must not speculate or guess in awarding damages.

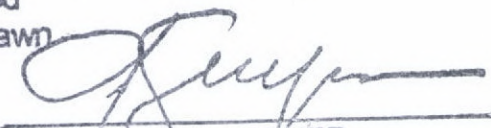
Requested by Plaintiff / Defendant

Given

Given As Modified

Refused

Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 3905

ITEMS OF NONECONOMIC DAMAGE

The following are the specific items of noneconomic damages claimed by Christopher Williams:

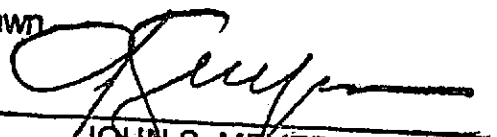
1. Past and future physical pain, mental suffering, loss of enjoyment of life, disfigurement, physical impairment, inconvenience, grief, anxiety, humiliation, and emotional distress

No fixed standard exists for deciding the amount of these noneconomic damages. You must use your judgment to decide a reasonable amount based on the evidence and your common sense.

To recover for future pain and suffering, Christopher Williams must prove that he is reasonably certain to suffer that harm.

For future pain and suffering, determine the amount in current dollars paid at the time of judgment that will compensate Christopher Williams for future pain and suffering. This amount of noneconomic damages should not be further reduced to present cash value because that reduction should only be performed with respect to economic damages.

Requested by Plaintiff / Defendant
Given
Given As Modified
Refused
Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 3924

NO PUNITIVE DAMAGES

You must not include in your award any damages to punish or make an example of David Arambula. Such damages would be punitive damages, and they cannot be a part of your verdict. You must award only the damages that fairly compensate Christopher Williams for his loss.

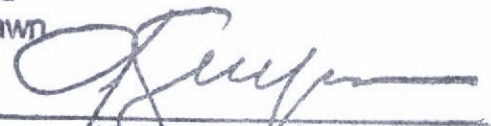
Requested by Plaintiff / Defendant

Given

Given As Modified

Refused

Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 3925

ARGUMENTS OF COUNSEL NOT EVIDENCE OF DAMAGES

The arguments of the attorneys are not evidence of damages. Your award must be based on your reasoned judgment applied to the testimony of the witnesses and the other evidence that has been admitted during trial.

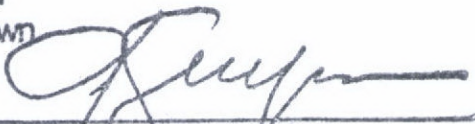
Requested by Plaintiff / Defendant

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Given As Modified

Refused

Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 3930

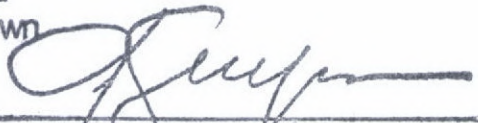
MITIGATION OF DAMAGES (PERSONAL INJURY)

If you decide Defendants are responsible for the original harm, Christopher Williams is not entitled to recover damages for harm that Defendants prove Christopher Williams could have avoided with reasonable efforts or expenditures.

You should consider the reasonableness of Christopher Williams' efforts in light of the circumstances facing him at the time, including his ability to make the efforts or expenditures without undue risk or hardship.

If Christopher Williams made reasonable efforts to avoid harm, then your award should include reasonable amounts that he spent for this purpose.

Requested by Plaintiff / Defendant
Given
Given As Modified
Refused
Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 3934

DAMAGES ON MULTIPLE LEGAL THEORIES

Christopher Williams seeks damages from David Arambula under more than one legal theory. However, each item of damages may be awarded only once, regardless of the number of legal theories alleged.

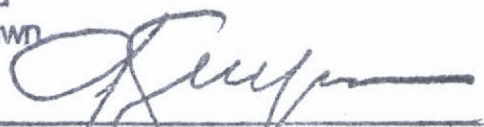
You will be asked to decide whether David Arambula is liable to Christopher Williams under the following legal theories:

1. Assault;
2. Battery; and
3. Intentional Infliction of Emotional Distress.

The following items of damages are recoverable only once under all of the above legal theories:

1. Pain and Suffering; and
2. Emotional Distress.

Requested by Plaintiff / Defendant
Given
Given As Modified
Refused
Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 3964

JURORS NOT TO CONSIDER ATTORNEY FEES AND COURT COSTS

You must not consider, or include as part of any award, attorney fees or expenses that the parties incurred in bringing or defending this lawsuit.

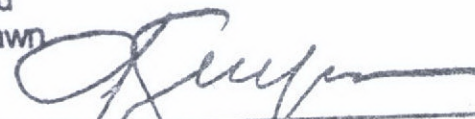
Requested by Plaintiff / Defendant

Given

Given As Modified

Refused

Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 3941.

Punitive Damages—Individual Defendant—Bifurcated Trial
(First Phase)

If you decide that David Arambula's conduct caused Christopher Williams harm, you must decide whether that conduct justifies an award of punitive damages. At this time, you must decide whether Christopher Williams has proved by clear and convincing evidence that David Arambula engaged in that conduct with malice, oppression, or fraud. The amount of punitive damages, if any, will be decided later.

"Malice" means that David Arambula acted with intent to cause injury or that David Arambula's conduct was despicable and was done with a willful and knowing disregard of the rights or safety of another. A person acts with knowing disregard when the person is aware of the probable dangerous consequences of the person's conduct and deliberately fails to avoid those consequences.

"Oppression" means that David Arambula's conduct was despicable and subjected Christopher Williams to cruel and unjust hardship in knowing disregard of his rights.

"Despicable conduct" is conduct that is so vile, base, or contemptible that it would be looked down on and despised by reasonable people.

"Fraud" means that David Arambula intentionally misrepresented or concealed a material fact and did so intending to harm Christopher Williams.

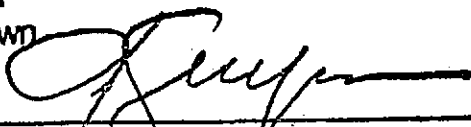
Requested by Plaintiff / Defendant

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Given As Modified

Refused

Withdrawn



JOHN S. MEYER
Judge of the Superior Court

SPECIAL INSTRUCTION

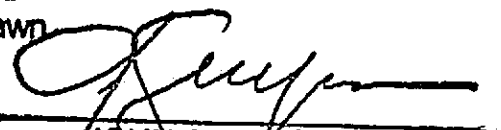
Christopher Williams claims that he was harmed by Defendant Arambula's intentional conduct.

Christopher Williams also claims that the City of Lemon Grove is responsible for the harm because David Arambula was an elected official for the City of Lemon Grove when the intentional conduct occurred.

If you find that David Arambula is liable for assault, battery, or intentional infliction of emotional distress, then you must decide whether the City of Lemon Grove is responsible for the harm. The City of Lemon Grove is responsible if Christopher Williams proves:

1. That David Arambula's assault, battery, or intentional infliction of emotional distress arose from or was directly related to the performance of his official duties as an elected official.

Requested by Plaintiff / Defendant
Given
Given As Modified
Refused
Withdrawn



JOHN S. MEYER
Judge of the Superior Court

CACI 5012

INTRODUCTION TO SPECIAL VERDICT FORM

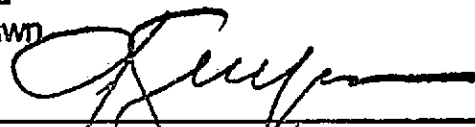
I will give you [a] verdict form[s] with questions you must answer. I have already instructed you on the law that you are to use in answering these questions. You must follow my instructions and the form[s] carefully. You must consider each question separately. Although you may discuss the evidence and the issues to be decided in any order, you must answer the questions on the verdict form[s] in the order they appear. After you answer a question, the form tells you what to do next.

At least 9 of you must agree on an answer before you can move on to the next question. However, the same 9 or more people do not have to agree on each answer.

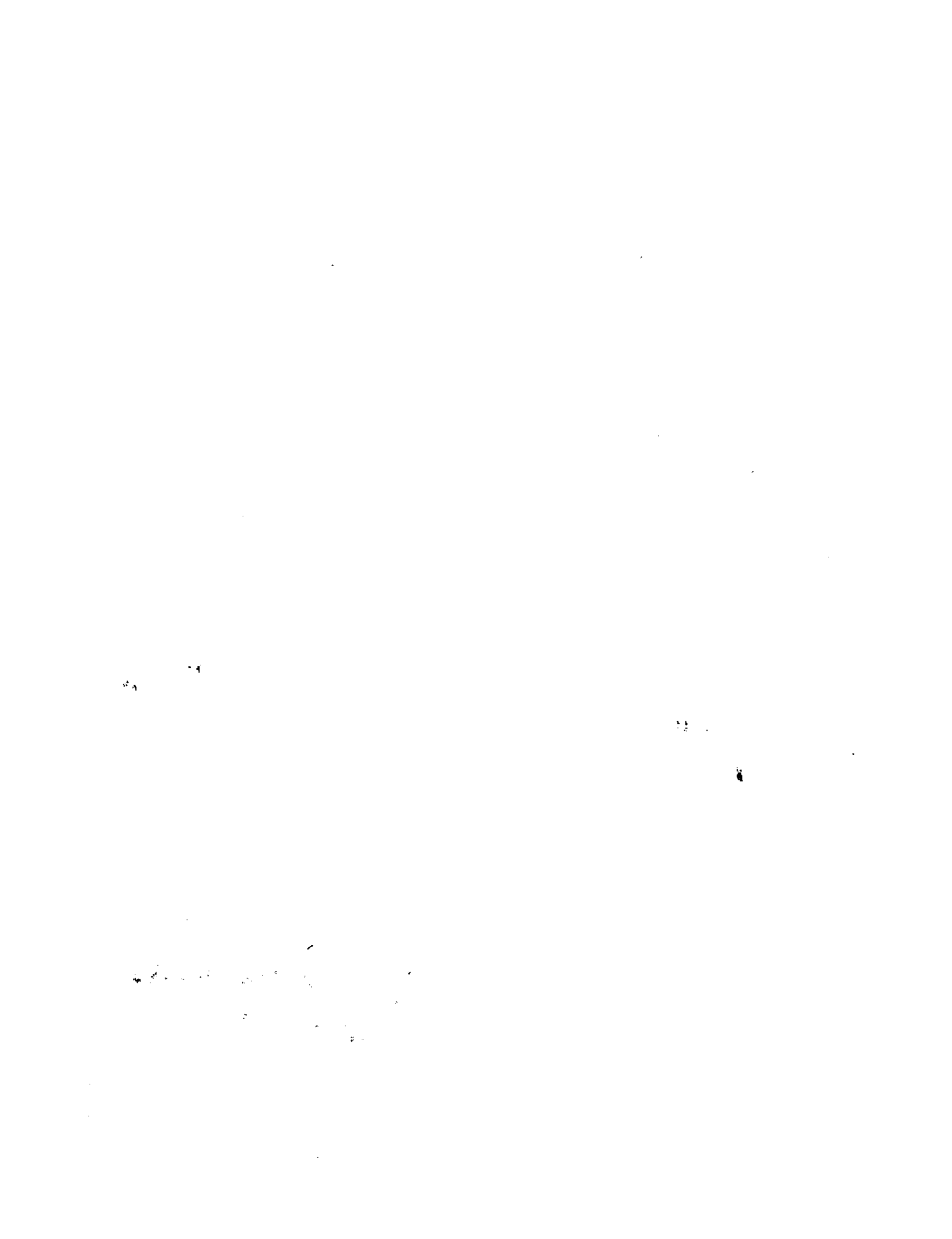
All 12 of you must deliberate on and answer each question regardless of how you voted on any earlier question. Unless the verdict form tells all 12 jurors to stop and answer no further questions, every juror must deliberate and vote on all of the remaining questions.

When you have finished filling out the form[s], your presiding juror must write the date and sign it at the bottom [of the last page] and then notify the [bailiff/clerk/court attendant] that you are ready to present your verdict in the courtroom.

Requested by Plaintiff / Defendant
Given
Given As Modified
Refused
Withdrawn



JOHN S. MEYER
Judge of the Superior Court



CACI 5017

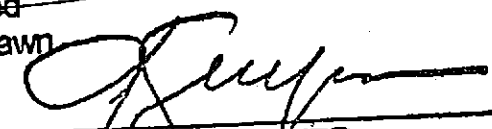
POLLING THE JURY

After your verdict is read in open court, you may be asked individually to indicate whether the verdict expresses your personal vote. This is referred to as “polling” the jury and is done to ensure that at least nine jurors have agreed to each decision.

The verdict form[s] that you will receive ask[s] you to answer several questions. You must vote separately on each question. Although nine or more jurors must agree on each answer, it does not have to be the same nine for each answer. Therefore, it is important for each of you to remember how you have voted on each question so that if the jury is polled, each of you will be able to answer accurately about how you voted.

~~[Each of you will be provided a draft copy of the verdict form[s] for your use in keeping track of your votes.]~~

Requested by Plaintiff / Defendant
Given
Given As Modified
Refused
Withdrawn



JOHN S. MEYER
Judge of the Superior Court