

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION**

MINDY KAHLE

Plaintiff,

vs.

JERMAINE LEONARD and
DEPUTY TIM MALONE

Defendants.

CIV. 04-5024-KES

FILED

FEB 23 2008


CLERK

VERDICT FORM

Please return a verdict by placing an "X" or "√" in the space provided.

(1) LIABILITY - VIOLATION OF CIVIL RIGHTS	
1.	On plaintiff Mindy Kahle's claim against defendant Jermaine Leonard, for Violation of Civil Rights as explained in Final Instruction Number 6 , we find in favor of: <input checked="" type="checkbox"/> Mindy Kahle <input type="checkbox"/> Jermaine Leonard
Please proceed to Question #2.	

(2) LIABILITY - CIVIL BATTERY	
2.	On plaintiff Mindy Kahle's claim against defendant Jermaine Leonard, for Civil Battery as explained in Final Instruction Number 7 , we find in favor of: <input checked="" type="checkbox"/> Mindy Kahle <input type="checkbox"/> Jermaine Leonard
Please proceed to Question #3.	

(3) LIABILITY – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS	
3.	<p>On plaintiff Mindy Kahle’s claim against defendant Jermaine Leonard, for Intentional Infliction of Emotional Distress as explained in Final Instruction Number 8, we find in favor of:</p> <p><input checked="" type="checkbox"/> Mindy Kahle <input type="checkbox"/> Jermaine Leonard</p>
Please proceed to Question #4.	

(4) LIABILITY – FAILURE TO SUPERVISE	
4.	<p>In deciding plaintiff Mindy Kahle’s claim against defendant Tim Malone, for Failure to Supervise as explained in Final Instruction Number 9, you must answer the following questions:</p>
a).	<p>Do you find, based upon the greater weight of the evidence, that Leonard had sexual contact with Kahle without her consent, while Leonard was under Malone’s supervision?</p> <p>If your answer to this question is no, go directly to 4(e) and you must find in favor of defendant Tim Malone and against plaintiff Mindy Kahle. If you answer yes to this question, please answer the next question.</p>
	<p><input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
b).	<p>Do you find, based upon the greater weight of the evidence, that Malone was aware of a substantial risk of serious harm to Kahle?</p> <p>If your answer to this question is no, go directly to 4(e) and you must find in favor of defendant Tim Malone and against plaintiff Mindy Kahle. If you answer yes to this question, please answer the next question.</p>
	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

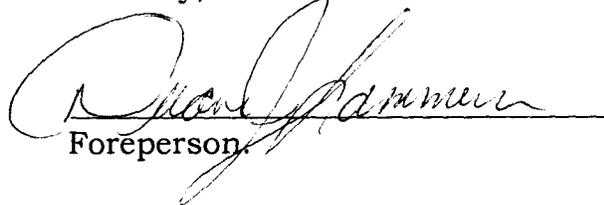
<p>c). Do you find, based upon the greater weight of the evidence, that Malone, with deliberate indifference to the substantial risk that Leonard would seriously harm Kahle, or with tacit authorization of Leonard's conduct, failed to supervise Leonard?</p> <p>If your answer to this question is no, go directly to 4(e) and you must find in favor of defendant Tim Malone and against plaintiff Mindy Kahle. If you answer yes to this question, please answer the next question.</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
<p>d). Do you find, based upon the greater weight of the evidence, that as a direct result of Malone's failure to supervise Leonard, Kahle suffered damage, pain, misery, anguish or similar harm?</p> <p>If your answer to this question is no, go directly to 4(e) and you must find in favor of defendant Tim Malone and against plaintiff Mindy Kahle. If you answer yes, find in favor of Mindy Kahle in 4(e) below.</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
<p>e). On plaintiff Mindy Kahle's claim against defendant Tim Malone, for Failure to Supervise as explained in Final Instruction Number 9, we find in favor of:</p> <p><input type="checkbox"/> Mindy Kahle</p> <p><input checked="" type="checkbox"/> Tim Malone</p>	
<p>If you found in favor of Mindy Kahle on Question #1, 2, 3, or 4, please proceed to Question #5. If you found against Mindy Kahle on Questions #1, 2, 3, and 4 please sign and date the verdict form.</p>	

(5) ACTUAL DAMAGES		
5.	If you found in favor of Mindy Kahle on the issue of liability, determine the total amount of actual damages, if any, to which she is entitled.	\$ <u>600,000.⁰⁰</u> amount for emotional pain, suffering, mental anguish, and other non-pecuniary losses
	If you did not award Mindy Kahle any actual damages, go to Question #6.	
	If you awarded Mindy Kahle actual damages, go to Question #7.	

(6) NOMINAL DAMAGES		
6.	If you found in favor of Mindy Kahle on the issue of liability but you awarded no actual damages, please enter an award of One Dollar (\$1.00).	\$ _____ Nominal Damages
	Please proceed to Question #7.	

(7) LIABILITY- PUNITIVE DAMAGES									
7.	If you found in favor of Mindy Kahle on the issue of liability against either Jermaine Leonard or Tim Malone, or both, and find that punitive damages should be assessed against either Jermaine Leonard, Tim Malone, or both, set forth the amount of punitive damages Mindy Kahle should be awarded. You may not award punitive damages against any defendant unless you have first found against that defendant and awarded Mindy Kahle nominal or actual damages.								
	<table border="0" style="width: 100%;"> <tr> <td style="width: 70%;">State the amount, or, if none, write the word "none," of punitive damages you find should be assessed against Jermaine Leonard.</td> <td style="width: 30%; text-align: right;">\$ <u>500,000⁰⁰</u></td> </tr> <tr> <td></td> <td style="text-align: right;">Punitive Damages</td> </tr> <tr> <td>State the amount, or, if none, write the word "none," of punitive damages you find should be assessed against Tim Malone.</td> <td style="text-align: right;">\$ <u>NONE</u></td> </tr> <tr> <td></td> <td style="text-align: right;">Punitive Damages</td> </tr> </table>	State the amount, or, if none, write the word "none," of punitive damages you find should be assessed against Jermaine Leonard.	\$ <u>500,000⁰⁰</u>		Punitive Damages	State the amount, or, if none, write the word "none," of punitive damages you find should be assessed against Tim Malone.	\$ <u>NONE</u>		Punitive Damages
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	Punitive Damages								
State the amount, or, if none, write the word "none," of punitive damages you find should be assessed against Tim Malone.	\$ <u>NONE</u>								
	Punitive Damages								
Please sign and date the verdict form.									

Dated this 23 day of February, 2008.


 Foreperson.