

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

ERIC MUELLER and CORISSA D. MUELLER, husband and wife, individually, and on behalf of TAIGE L. MUELLER, a minor, and on behalf of themselves and those similarly situated,

Plaintiff,

v.

THE CITY OF BOISE, Dr. RICHARD K. MACDONALD, and ST. LUKE'S REGIONAL MEDICAL CENTER,

Defendants.

Case No. CIV 04-399-S-BLW

SPECIAL VERDICT FORM

We the jury find unanimously as follows:

**Constitutional rights – Claims Against The City of Boise**

Question 1: Did the City of Boise violate 42 U.S.C. § 1983, by depriving Corissa Mueller of her constitutional rights, as defined in these instructions?

Yes \_\_\_\_\_ No ✓

Question 2: Did the City of Boise violate 42 U.S.C. § 1983, by depriving Eric Mueller of his constitutional rights, as defined in these instructions?

Yes  No

Question 3: Did the City of Boise violate 42 U.S.C. § 1983, by depriving Taige Mueller of her constitutional rights, as defined in these instructions?

Yes  No

**Constitutional rights – Claims Against Dr. Macdonald**

Question 4: Did Dr. Macdonald violate 42 U.S.C. § 1983, by depriving Corissa Mueller of her constitutional rights, as defined in these instructions?

Yes  No

Question 5: Did Dr. Macdonald violate 42 U.S.C. § 1983, by depriving Eric Mueller of his constitutional rights, as defined in these instructions?

Yes  No

Question 6: Did Dr. Macdonald violate 42 U.S.C. § 1983, by depriving Taige Mueller of her constitutional rights, as defined in these

instructions?

Yes \_\_\_\_\_ No

**State Law Claims – Immunity**

Question 7: Did Dr. Macdonald act in bad faith as defined in these instructions?

Yes  No \_\_\_\_\_

Question 8: Did St. Lukes Hospital act in bad faith as defined in these instructions?

Yes \_\_\_\_\_ No

*If you answered "No" to both Questions 7 & 8, skip down to the instructions just before Question 15. If you answered "Yes" to either of Questions 7 & 8, proceed to the next section.*

**State Law Claims – Against Dr. Macdonald**

*If you answered "No" to Question 7, skip down to Question 12. If you answered "Yes" to Question 7, proceed to the next Question.*

Question 9: Is Dr. Macdonald liable for an interference with Corissa Mueller's custodial relation with Taige Mueller?

Yes \_\_\_\_\_ No

Question 10: Is Dr. Macdonald liable for an interference with Eric Mueller's

custodial relation with Taige Mueller?

Yes \_\_\_\_\_ No

Question 11: Did Dr. Macdonald make a false report of child neglect regarding Taige Mueller knowing that said report was false?

Yes \_\_\_\_\_ No

**State Law Claims Against St. Luke's Hospital**

Question 12: Is St. Luke's liable for an interference with Corissa Mueller's custodial relation with Taige Mueller?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question 13: Is St. Luke's liable for an interference with Eric Mueller's custodial relation with Taige Mueller?

Yes \_\_\_\_\_ No \_\_\_\_\_

Question 14: Did St. Luke's make a false report of child neglect regarding Taige Mueller knowing that said report was false?

Yes \_\_\_\_\_ No \_\_\_\_\_

*If you answered "No" to each of Questions 1 through 14, skip the remaining Questions and have your Foreperson sign and date this Special Verdict Form. If you answered "Yes" to any of Questions 1 through 14, proceed to the next section.*

**Damages – Corissa Mueller**

*If you answered “Yes” to any of Questions 1, 4, 9, 11, 12 or 14 proceed to Question 15. If you did not answer “Yes” to any of those Questions, skip Question 15 and proceed to the next section.*

Question 15:       What is the total amount of damages suffered by Corissa Mueller?

\$ \_\_\_\_\_

*Question 15a asks you to indicate which defendant is responsible for the damages suffered by Corissa Mueller and in what amounts. Because more than one defendant may be responsible for the same damage, the total of damages apportioned to all defendants may exceed your response to Question 15. However, Corissa Mueller will not receive damages beyond the amount set forth in Question 15.*

Question 15a:       What is the total amount of damages suffered by Corissa Mueller resulting from the conduct of:

The City of Boise       \$ \_\_\_\_\_

Dr. Macdonald       \$ \_\_\_\_\_

St. Lukes       \$ \_\_\_\_\_

**Damages – Eric Mueller**

*If you answered “Yes” to any of Questions 2, 5, 10, 11, 13 or 14, proceed to Question 16. If you did not answer “Yes” to any of those Questions, skip Question 16 and proceed to the next section.*

Question 16: What is the total amount of damages suffered by Eric Mueller?

\$ \_\_\_\_\_

*Question 16a asks you to indicate which defendant is responsible for the damages suffered by Eric Mueller and in what amounts. Because more than one defendant may be responsible for the same damage, the total of damages apportioned to all defendants may exceed your response to Question 16. However, Eric Mueller will not receive damages beyond the amount set forth in Question 16.*

Question 16a: What is the total amount of damages suffered by Eric Mueller resulting from the conduct of:

The City of Boise \$ \_\_\_\_\_

Dr. Macdonald \$ \_\_\_\_\_

St. Lukes \$ \_\_\_\_\_

**Damages – Taige Mueller**

*If you answered “Yes” to either of Questions 3 or 6, proceed to Question 17. If you did not answer “Yes” to any of those Questions, skip Question 17 and*

*proceed to the next section*

Question 17: What is the total amount of damages suffered by Taige Mueller?

\$ \_\_\_\_\_

*Question 17a asks you to indicate which defendant is responsible for the damages suffered by Taige Mueller and in what amounts. Because more than one defendant may be responsible for the same damage, the total of damages apportioned to all defendants may exceed your response to Question 17.*

*However, Taige Mueller will not receive damages beyond the amount set forth in Question 17.*

Question 17a: What is the total amount of damages suffered by Taige Mueller resulting from the conduct of:

The City of Boise \$ \_\_\_\_\_

Dr. Macdonald \$ \_\_\_\_\_

### **Nominal Damages**

*If you answered "Yes" to any of Questions 1 through 6, but awarded no damages in Questions 15, 16, and 17 for any constitutional violation so found, proceed to Question 18. Otherwise, have your Foreperson sign and date this Special Verdict*

*Form*

Question 18: Set forth a nominal su

Answer: \$ \_\_\_\_\_

6/30/10  
Date

Foreperson

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