

Original

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

E.S., A Minor Child, by and through
JEREMIAH ROSS, Guardian ad Litem of
E.S.,

Case No. 14CV05451

Plaintiff,

VERDICT FORM

v.

STATE OF OREGON, by and through its
Department of Human Services,

Defendant.

We, the jury find:

Sexual Battery

For each of the questions under this Sexual Battery category that you answer, at least the same nine jurors must agree on each answer.

1. Did Kimberly Vollmer commit Sexual Battery of Ebonee Sanders in one or more ways as alleged by the plaintiff?

ANSWER: Yes (Yes or No)

If "yes," go to question 2.

If "no," your verdict is for the defendant on plaintiff's claim for Sexual Battery. Proceed to question 4.

2. Was Kimberly Vollmer's Sexual Battery a cause of injury or damage to Ebonee Sanders?

ANSWER: Yes (Yes or No)

If "yes," go to question 3.

If "no," your verdict is for the defendant on plaintiff's claim for Sexual Battery. Proceed to question 4.

3. Is the defendant State of Oregon vicariously liable for Kimberly Vollmer's Sexual Battery of Ebonee Sanders?

ANSWER: Yes (Yes or No)

If "yes," go to question 4.

If "no," your verdict is for the defendant on plaintiff's claim for Sexual Battery. Proceed to question 4.

Battery

For each of the questions under this Battery category that you answer, at least the same nine jurors must agree on each answer.

4. Did Kimberly Vollmer commit Battery of Ebonee Sanders in one or more ways as alleged by the plaintiff?

ANSWER: Yes (Yes or No)

If "yes," go to question 5.

If "no," your verdict is for the defendant on plaintiff's claim for Battery.

Proceed to question 7 if you answered "yes" to question 2; otherwise, do not answer any more questions, as your verdict is for the defendant on all claims. The presiding juror must sign and date the verdict form below.

5. Was Kimberly Vollmer's Battery a cause of injury or damage to Ebonee Sanders?

ANSWER: Yes (Yes or No)

If "yes," go to question 6

If "no," your verdict is for the defendant on plaintiff's claim for Battery.

Proceed to question 7 if you answered "yes" to question 2; otherwise, do not answer any more questions, as your verdict is for the defendant on all claims. The presiding juror must sign and date the verdict form below.

6. Is the defendant State of Oregon vicariously liable for Kimberly Vollmer's Battery of Ebonee Sanders?

ANSWER: Yes (Yes or No)

If "yes," go to question 7.

If "no," your verdict is for the defendant on plaintiff's claim for Battery.

Proceed to question 7 if you answered "yes" to question 2; otherwise, do not answer any more questions, as your verdict is for the defendant on all claims. The presiding juror must sign and date the verdict form below.

Abuse of a Vulnerable Person

For each of the questions under this Abuse of a Vulnerable Person category that you answer, at least the same nine jurors must agree on each answer.

9. Was Ebonee Sanders a vulnerable person by virtue of being incapacitated the time of her physical abuse?

ANSWER: Yes (Yes or No)

If you answered "yes" to question 9, proceed to question 10.

If you answered "no" to question 9, your verdict is for the defendant on plaintiff's claim for Abuse of a Vulnerable Person. Proceed to question 11 if you answered "yes" to question 3, 6, and/or 8. Otherwise, do not answer any more questions, as your verdict is for the defendant on all claims. The presiding juror must sign and date the verdict form below.

10. Did defendant State of Oregon permit Kimberly Vollmer to engage in physical abuse by knowingly failing to act under circumstances in which a reasonable person should have known of the physical abuse of Ebonee Sanders?

ANSWER: No (Yes or No)

If you answered "yes" to question 10, proceed to question 11.

If you answered "no" to question 10, your verdict is for the defendant on plaintiff's claim for Abuse of a Vulnerable Person. Proceed to question 11 if you answered "yes" to question 3, 6, and/or 8. Otherwise, do not answer any more

questions, as your verdict is for the defendant on all claims. The presiding juror must sign and date the verdict form below.

Damages

For each of the questions under this Damages category that you answer, at least nine of the same jurors who voted in favor of the underlying claim(s) of Sexual Battery, Battery, and/or Abuse of a Vulnerable Person must agree on the answer.

11. If you answered "yes" to question 3, 8, or 10, what are Ebonee Sanders's damages from Kimberly Vollmer's Sexual Battery?

ANSWER: Noneconomic Damages: \$ 1,000,000 (not to exceed \$1 million)

Economic Damages: \$ 25,000 (not to exceed \$25,000)

12. If you answered "yes" to question 6, 8, or 10, what are Ebonee Sanders's damages from Kimberly Vollmer's Battery?

ANSWER: Noneconomic Damages: \$ 1,000,000 (not to exceed \$1 million)

Economic Damages: \$ 25,000 (not to exceed \$25,000)