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IN THE DISTRICT COURT OF GUAM

JOSE ARLINE DADIVAS DEVELLES,

Plaintiff,

vs.

KENDALL J.N. DIAZ, AREN L. FABILA,
and JOHN W. BARCINAS,

Defendants.

CIVIL CASE NO. 1:24-cv-00019

JURY VERDICT FORMS

FILED
DISTRICT COURT OF GUAM

OCT 28 2023

JEANNE G. QUINATA
CLERK OF COURT

JURY VERDICT FORMS

We, the jury, unanimously answer the following questions and return the following verdict:

**CLAIM I: EXCESSIVE FORCE (42 U.S.C. § 1983) –
DEFENDANT KENDALL J.N. DIAZ**

Question 1: Did Plaintiff prove by a preponderance of the evidence that Defendant Kendall J.N. Diaz used excessive force against Plaintiff in violation of the Fourth Amendment?

☐ YES

☒ NO

If you answered "NO," proceed to Claim II. If you answered "YES," continue to Question 2.

Question 2: What amount of compensatory damages, if any, do you award to Plaintiff against Defendant Kendall J.N. Diaz for excessive force?

\$ _____

Question 3: Did Plaintiff prove by a preponderance of the evidence that Defendant Kendall J.N. Diaz's conduct was motivated by evil motive or intent, or involved reckless or callous indifference to Plaintiff's federally protected rights?

☐ YES

☐ NO

If you answered "NO" to Question 3, proceed to Claim II. If you answered "YES," continue to Question 4.

Question 4: What amount of punitive damages, if any, do you award to Plaintiff against Defendant Kendall J.N. Diaz?

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CLAIM II: EXCESSIVE FORCE (42 U.S.C. § 1983) –

DEFENDANT AREN L. FABILA

Question 5: Did Plaintiff prove by a preponderance of the evidence that Defendant Aren L. Fabila used excessive force against Plaintiff in violation of the Fourth Amendment?

☐ YES

☒ NO

If you answered "NO," proceed to Question 9. If you answered "YES," continue to Question 6.

Question 6: What amount of compensatory damages, if any, do you award to Plaintiff against Defendant Aren L. Fabila for excessive force?

\$ _____

Question 7: Did Plaintiff prove by a preponderance of the evidence that Defendant Aren L. Fabila's conduct was motivated by evil motive or intent, or involved reckless or callous indifference to Plaintiff's federally protected rights?

☐ YES

☐ NO

If you answered "NO" to Question 7, proceed to Question 9. If you answered "YES," continue to Question 8.

Question 8: What amount of punitive damages, if any, do you award to Plaintiff against Defendant Aren L. Fabila for excessive force?

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Question 9: Did Plaintiff prove by a preponderance of the evidence that Defendant Aren L. Fabila failed to intervene to stop another officer from using excessive force against Plaintiff?

☐ YES

☒ NO

If you answered "NO," proceed to Claim III. If you answered "YES," continue to Question 10.

Question 10: What amount of compensatory damages, if any, do you award to Plaintiff against Defendant Aren L. Fabila for failure to intervene?

\$ _____

Question 11: Did Plaintiff prove by a preponderance of the evidence that Defendant Aren L. Fabila's failure to intervene was motivated by evil motive or intent, or involved reckless or callous indifference to Plaintiff's federally protected rights?

☐ YES

☐ NO

If you answered "NO" to Question 11, proceed to Claim III. If you answered "YES," continue to Question 12.

Question 12: What amount of punitive damages, if any, do you award to Plaintiff against Defendant Aren L. Fabila for failure to intervene?

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CLAIM III: EXCESSIVE FORCE (42 U.S.C. § 1983) –

DEFENDANT JOHN W. BARCINAS

Question 13: Did Plaintiff prove by a preponderance of the evidence that Defendant John W. Barcinas used excessive force against Plaintiff in violation of the Fourth Amendment?

☐ YES

☒ NO

If you answered "NO," proceed to Claim IV. If you answered "YES," continue to Question 14.

Question 14: What amount of compensatory damages, if any, do you award to Plaintiff against Defendant John W. Barcinas?

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Question 15: Did Plaintiff prove by a preponderance of the evidence that Defendant John W. Barcinas's conduct was motivated by evil motive or intent, or involved reckless or callous indifference to Plaintiff's federally protected rights?

☐ YES

☐ NO

If you answered "NO" to Question 15, proceed to Claim IV. If you answered "YES," continue to Question 16.

Question 16: What amount of punitive damages, if any, do you award to Plaintiff against Defendant John W. Barcinas?

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CLAIM IV: ASSAULT – DEFENDANT KENDALL J.N. DIAZ

Question 17: Did Plaintiff prove by a preponderance of the evidence that Defendant Kendall J.N. Diaz committed assault against Plaintiff?

☐ YES

☒ NO

If you answered "NO," proceed to Claim V. If you answered "YES," continue to Question 18.

Question 18: What amount of compensatory damages, if any, do you award to Plaintiff against Defendant Kendall J.N. Diaz for assault?

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Question 19: Did Plaintiff prove by a preponderance of the evidence that Defendant Kendall J.N. Diaz acted with oppression, fraud, or malice?

☐ YES

☐ NO

If you answered "NO" to Question 19, proceed to Claim V. If you answered "YES," continue to Question 20.

Question 20: What amount of punitive damages, if any, do you award to Plaintiff against Defendant Kendall J.N. Diaz for assault?

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CLAIM V: ASSAULT – DEFENDANT AREN L. FABILA

Question 21: Did Plaintiff prove by a preponderance of the evidence that Defendant Aren L. Fabila committed assault against Plaintiff?

☐ YES

☒ NO

If you answered "NO," proceed to Claim VI. If you answered "YES," continue to Question 22.

Question 22: What amount of compensatory damages, if any, do you award to Plaintiff against Defendant Aren L. Fabila for assault?

\$ _____

Question 23: Did Plaintiff prove by a preponderance of the evidence that Defendant Aren L. Fabila acted with oppression, fraud, or malice?

☐ YES

☐ NO

If you answered "NO" to Question 23, proceed to Claim VI. If you answered "YES," continue to Question 24.

Question 24: What amount of punitive damages, if any, do you award to Plaintiff against Defendant Aren L. Fabila for assault?

\$ _____

CLAIM VI: ASSAULT – DEFENDANT JOHN W. BARCINAS

Question 25: Did Plaintiff prove by a preponderance of the evidence that Defendant John W. Barcinas committed assault against Plaintiff?

☐ YES

☒ NO

If you answered "NO," proceed to Claim VII. If you answered "YES," continue to Question 26.

Question 26: What amount of compensatory damages, if any, do you award to Plaintiff against Defendant John W. Barcinas for assault?

\$ _____

Question 27: Did Plaintiff prove by a preponderance of the evidence that Defendant John W. Barcinas acted with oppression, fraud, or malice?

☐ YES

☐ NO

If you answered "NO" to Question 27, proceed to Claim VII. If you answered "YES," continue to Question 28.

Question 28: What amount of punitive damages, if any, do you award to Plaintiff against Defendant John W. Barcinas for assault?

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CLAIM VII: BATTERY – DEFENDANT KENDALL J.N. DIAZ

Question 29: Did Plaintiff prove by a preponderance of the evidence that Defendant Kendall J.N. Diaz committed battery against Plaintiff?

☐ YES

☒ NO

If you answered "NO," proceed to Claim VIII. If you answered "YES," continue to Question 30.

Question 30: What amount of compensatory damages, if any, do you award to Plaintiff against Defendant Kendall J.N. Diaz for battery?

\$ _____

Question 31: Did Plaintiff prove by a preponderance of the evidence that Defendant Kendall J.N. Diaz acted with oppression, fraud, or malice?

☐ YES

☐ NO

If you answered "NO" to Question 31, proceed to Claim VIII. If you answered "YES," continue to Question 32.

Question 32: What amount of punitive damages, if any, do you award to Plaintiff against Defendant Kendall J.N. Diaz for battery?

\$ _____

CLAIM VIII: BATTERY – DEFENDANT AREN L. FABILA

Question 33: Did Plaintiff prove by a preponderance of the evidence that Defendant Aren L. Fabila committed battery against Plaintiff?

☐ YES

☒ NO

If you answered "NO," proceed to Claim IX. If you answered "YES," continue to Question 34.

Question 34: What amount of compensatory damages, if any, do you award to Plaintiff against Defendant Aren L. Fabila for battery?

\$ _____

Question 35: Did Plaintiff prove by a preponderance of the evidence that Defendant Aren L. Fabila acted with oppression, fraud, or malice?

☐ YES

☐ NO

If you answered "NO" to Question 35, proceed to Claim IX. If you answered "YES," continue to Question 36.

Question 36: What amount of punitive damages, if any, do you award to Plaintiff against Defendant Aren L. Fabila for battery?

\$ _____

CLAIM IX: BATTERY – DEFENDANT JOHN W. BARCINAS

Question 37: Did Plaintiff prove by a preponderance of the evidence that Defendant John W. Barcinas committed battery against Plaintiff?

☐ YES

☒ NO

If you answered "NO," proceed to Claim X. If you answered "YES," continue to Question 38.

Question 38: What amount of compensatory damages, if any, do you award to Plaintiff against Defendant John W. Barcinas for battery?

\$ _____

Question 39: Did Plaintiff prove by a preponderance of the evidence that Defendant John W. Barcinas acted with oppression, fraud, or malice?

☐ YES

☐ NO

If you answered "NO" to Question 39, proceed to Claim X. If you answered "YES," continue to Question 40.

Question 40: What amount of punitive damages, if any, do you award to Plaintiff against Defendant John W. Barcinas for battery?

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**CLAIM X: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS –
DEFENDANT KENDALL J.N. DIAZ**

Question 41: Did Plaintiff prove by a preponderance of the evidence that Defendant Kendall J.N. Diaz intentionally inflicted emotional distress upon Plaintiff?

☐ YES

☒ NO

If you answered "NO," proceed to Claim XI. If you answered "YES," continue to Question 42.

Question 42: What amount of compensatory damages, if any, do you award to Plaintiff against Defendant Kendall J.N. Diaz for intentional infliction of emotional distress?

\$ _____

**CLAIM XI: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS –
DEFENDANT AREN L. FABILA**

Question 43: Did Plaintiff prove by a preponderance of the evidence that Defendant Aren L. Fabila intentionally inflicted emotional distress upon Plaintiff?

☐ YES

☒ NO

If you answered "NO," proceed to Claim XII. If you answered "YES," continue to Question 44.

Question 44: What amount of compensatory damages, if any, do you award to Plaintiff against Defendant Aren L. Fabila for intentional infliction of emotional distress?

\$ _____

**CLAIM XII: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS –
DEFENDANT JOHN W. BARCINAS**

Question 45: Did Plaintiff prove by a preponderance of the evidence that Defendant John W. Barcinas intentionally inflicted emotional distress upon Plaintiff?

☐ YES

☒ NO

If you answered "NO," proceed to Claim XIII. If you answered "YES," continue to Question 46.

Question 46: What amount of compensatory damages, if any, do you award to Plaintiff against Defendant John W. Barcinas for intentional infliction of emotional distress?

\$ _____

CLAIM XIII: NEGLIGENCE – DEFENDANT KENDALL J.N. DIAZ

Question 47: Did Plaintiff prove by a preponderance of the evidence that Defendant Kendall J.N. Diaz was negligent and that his negligence caused Plaintiff's injuries?

☐ YES

☒ NO

If you answered "NO," proceed to Claim XIV. If you answered "YES," continue to Question 48.

Question 48: What amount of compensatory damages, if any, do you award to Plaintiff against Defendant Kendall J.N. Diaz for negligence?

\$ _____

CLAIM XIV: NEGLIGENCE – DEFENDANT AREN L. FABILA

Question 49: Did Plaintiff prove by a preponderance of the evidence that Defendant Aren L. Fabila was negligent and that his negligence caused Plaintiff's injuries?

☐ YES

☒ NO

If you answered "NO," proceed to Claim XV. If you answered "YES," continue to Question 50.

Question 50: What amount of compensatory damages, if any, do you award to Plaintiff against Defendant Aren L. Fabila for negligence?

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CLAIM XV: NEGLIGENCE – DEFENDANT JOHN W. BARCINAS

Question 51: Did Plaintiff prove by a preponderance of the evidence that Defendant John W. Barcinas was negligent and that his negligence caused Plaintiff's injuries?

☐ YES

☒ NO

If you answered "NO," proceed to claim XVI. If you answered "YES," continue to Question 52.

Question 52: What amount of compensatory damages, if any, do you award to Plaintiff against Defendant John W. Barcinas for negligence?

\$ _____

CLAIM XVI: CONVERSION – DEFENDANT KENDALL J.N. DIAZ

Question 53: Did Plaintiff prove by a preponderance of the evidence that Defendant Kendall J.N. Diaz converted \$2,000 belonging to Plaintiff?

☐ YES

☒ NO

If you answered "NO," proceed to Claim XVII. If you answered "YES," continue to Question 54.

Question 54: What amount of compensatory damages, if any, do you award to Plaintiff against Defendant Kendall J.N. Diaz for conversion?

\$ _____

CLAIM XVII: CONVERSION – DEFENDANT AREN L. FABILA

Question 55: Did Plaintiff prove by a preponderance of the evidence that Defendant Aren L. Fabila converted \$2,000 belonging to Plaintiff?

☐ YES

☒ NO

If you answered "NO," proceed to Claim XVIII. If you answered "YES," continue to Question 56.

Question 56: What amount of compensatory damages, if any, do you award to Plaintiff against Defendant Aren L. Fabila for conversion?

\$ _____

CLAIM XVIII: CONVERSION – DEFENDANT JOHN W. BARCINAS

Question 57: Did Plaintiff prove by a preponderance of the evidence that Defendant John W. Barcinas converted \$2,000 belonging to Plaintiff?

☐ YES

☒ NO

If you answered "NO," you have completed the verdict form. If you answered "YES," continue to Question 58.

Question 58: What amount of compensatory damages, if any, do you award to Plaintiff against Defendant John W. Barcinas for conversion?

\$ _____

DATED this 28 day of October, 2026.

REDACTED

Presiding Juror