

Exhibit 1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Tariq Anderson,)
)
 Plaintiff)
) No. 23-cv-14208
 -vs-)
) (Judge Pallmeyer)
 Humberto Lozano,)
)
 Defendant.)

JOINT JURY INSTRUCTION SUBMISSION

The parties agree to the use of the following Seventh Circuit Pattern

Instructions:

- 1.01 FUNCTIONS OF THE COURT AND THE JURY
- 1.02 NO INFERENCE FROM JUDGE'S QUESTIONS
- 1.04 EVIDENCE
- 1.06 WHAT IS NOT EVIDENCE
- 1.07 NOTE-TAKING
- 1.08 CONSIDERATION OF ALL EVIDENCE REGARDLESS OF WHO PRODUCED
- 1.11 WEIGHING THE EVIDENCE
- 1.12 DEFINITION OF "DIRECT" AND "CIRCUMSTANTIAL" EVIDENCE
- 1.13 TESTIMONY OF WITNESSES (DECIDING WHAT TO BELIEVE)
- 1.15 IMPEACHMENT OF WITNESS — CONVICTIONS [Contingent on the Court's ruling on Plaintiff's Motion in Limine 1]
- 1.18 ABSENCE OF EVIDENCE
- 1.27 BURDEN OF PROOF

- 1.31 NO NEED TO CONSIDER DAMAGES INSTRUCTION
- 1.32 SELECTION OF PRESIDING JUROR; GENERAL VERDICT
- 1.33 COMMUNICATION WITH COURT
- 1.34 DISAGREEMENT AMONG JURORS

Plaintiff brings a claim under the Eighth Amendment for excessive force against a conviction prisoner. The parties agree that the Court should use Seventh Circuit Pattern Instruction 7.18 for this claim and Pattern Instructions 7.26 and 7.28 for damages, modified for the facts of this case, as in the attached.

1. Issue Instruction

To succeed on his claim of excessive use of force, Plaintiff must prove each of the following three things by a preponderance of the evidence:

1. Defendant intentionally used force on Plaintiff.

2. Defendant did so for the purpose of harming Plaintiff, and not in a good faith effort to maintain or restore security or order.

3. Defendant's conduct harmed Plaintiff. Plaintiff does not need to prove that he suffered a serious injury. If Defendant's use of force caused pain to Plaintiff, that is sufficient harm, even if Plaintiff did not require medical attention or did not have long lasting injuries.

If you find that Plaintiff has proved each of these things by a preponderance of the evidence, then you must decide for Plaintiff, and go on to consider the question of damages.

If, on the other hand, you find that Plaintiff has failed to prove any one of these things by a preponderance of the evidence, then you must decide for Defendant, and you will not consider the question of damages.

In deciding whether Plaintiff has proved that Defendant used force for the purpose of harming Plaintiff, you should consider all of the circumstances. When considering all the circumstances, among the factors you may consider are the need to use force, the relationship between the need to use force and the amount of force used, the extent of Plaintiff's

injury, whether Defendant reasonably believed there was a threat to the safety of staff or prisoners, any efforts made by Defendant to limit the amount of force used, and whether Defendant was acting pursuant to a policy or practice of the prison that in the reasonable judgment of prison officials was needed to preserve security or order.

Source: Seventh Circuit Pattern Instruction 7.18

Given _____

Refused _____

Modified _____

2. Compensatory Damages Instruction

If you find in favor of Plaintiff then you must determine the amount of money that will fairly compensate Plaintiff for any injury that you find he sustained as a direct result of the excessive use of force

Plaintiff must prove his damages by a preponderance of the evidence. Your award must be based on evidence and not speculation or guesswork. This does not mean, however, that compensatory damages are restricted to the actual loss of money; they include both the physical and mental aspects of injury, even if they are not easy to measure.

You should consider the following types of compensatory damages, and no others:

The physical and mental and emotional pain and suffering that Plaintiff has experienced. No evidence of the dollar value of physical or mental and emotional pain and suffering has been or needs to be introduced. There is no exact standard for setting the damages to be awarded on account of these factors. You are to determine an amount that will fairly compensate the Plaintiff for the injury he has sustained.

Source: Seventh Circuit Pattern Instruction 7.26

Given _____

Refused _____

Modified _____

3. Punitive Damages Instruction

If you find for Plaintiff, you may, but are not required to, assess punitive damages against Defendant. The purposes of punitive damages are to punish a defendant for his or her conduct and to serve as an example or warning to Defendant and others not to engage in similar conduct in the future.

Plaintiff must prove by a preponderance of the evidence that punitive damages should be assessed against Defendant. You may assess punitive damages only if you find that his conduct was malicious or in reckless disregard of Plaintiff's rights. Conduct is malicious if it is accompanied by ill will or spite, or is done for the purpose of injuring Plaintiff. Conduct is in reckless disregard of Plaintiff's rights if, under the circumstances, Defendant simply did not care about Plaintiff's rights.

If you find that punitive damages are appropriate, then you must use sound reason in setting the amount of those damages. Punitive damages, if any, should be in an amount sufficient to fulfill the purposes that I have described to you, but should not reflect bias, prejudice, or sympathy toward any party. In determining the amount of any punitive damages, you should consider the following factors:

- the reprehensibility of Defendant's conduct;
- the impact of Defendant's conduct on Plaintiff;

- the relationship between Plaintiff and Defendant;
- the likelihood that Defendant would repeat the conduct if an award of punitive damages is not made;
- the relationship of any award of punitive damages to the amount of actual harm the Plaintiff suffered.

Source: Seventh Circuit Pattern Instruction 7.28

Given _____

Refused _____

Modified _____

VERDICT FORM

We, the jury, unanimously find as follows on Plaintiff's claim:

For Plaintiff For Defendant

If you answered "For Defendant," then go directly to the bottom of the page and sign and date this verdict.

If you answered "For Plaintiff," then answer the following:

Plaintiff is awarded \$_____ as compensatory damages.

Plaintiff is awarded \$_____ as punitive damages.

Each member of the jury must sign on one of the lines below. The foreperson also should write today's date on the appropriate line. After the signatures and date have been added, please return the entire Verdict Form to the court security officer.

Foreperson

Juror

Date: _____