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Filed FEB 22 2005
ROSA JUNQUEIRO, CLERK
By Charlene Gray
DEPUTY

7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF SAN JOAQUIN**

10 Kathleen Machado et al.,
11 Plaintiffs,

12 vs.

13 Fr. Joseph Illo et al.,
14 Defendants,

Case No. CV 018440

REQUEST FOR JURY INSTRUCTIONS
(Code Civ. Proc. § 607a)

Judge: Elizabeth Humphreys

Dept.: 41

Trial Date: 2/22/2005

15
16 Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas Respectfully requests this court
17 to give the following numbered Judicial Council of California Civil Jury Instructions, and the
18 additional instructions set forth below, and any further or additional instructions that may be
19 subsequently requested:

20
21 CACI 100, CACI 101, CACI 102, CACI 103, CACI 104, CACI 105, CACI 106, CACI
22 107, CACI 200, CACI 201, CACI 202, CACI 203, CACI 204, CACI 205, CACI 206,
23 CACI 207, CACI 208, CACI 209, CACI 210, CACI 212, CACI 215, CACI 216, CACI
24 219, CACI 220, CACI 400, CACI 401, CACI 402, CACI 406, CACI 411, CACI 412,
25 CACI 413, CACI 418, CACI 430, CACI 431, CACI 434, CACI 1300, CACI 1302, CACI
26 1303, CACI 1320, CACI 1600, CACI 1602, CACI 1603, CACI 1604, CACI 1620, CACI
27 1704, CACI 1706, CACI 1707, CACI 3600, CACI 3601, CACI 3700, CACI 3703, CACI

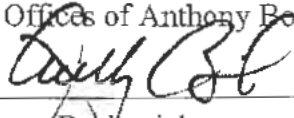
1 3710, CACI 3720, CACI 3722, CACI 3900, CACI 3902, CACI 3903, CACI 3903A,
2 CACI 3903C, CACI 3903D, CACI 3904, CACI 3905, CACI 3905A, CACI 3924, CACI
3 3925, CACI 3928, CACI 3941, CACI 3942, CACI 5000, CACI 5001, CACI 5002, CACI
4 5003, CACI 5005, CACI 5006, CACI 5009, CACI 5010, CACI 5011, CACI 5012, BAJI
5 7.56

6
7 Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas Respectfully requests this court
8 to give the following numbered Judicial Council of California Verdict Forms and any further or
9 additional verdict forms that may be subsequently requested:

10
11 CACI VF-402, CACI VF-1300, CACI VF-1600, CACI VF-1603, CACI VF-1704, CACI
12 VF-3700

13 Dated: 2/15/2005

Law Offices of Anthony Boskovich

14 By 
15 Anthony Boskovich
16 Attorney for Plaintiffs Kathleen Machado,
17 Rachel Lomas, and Amber Lomas
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CACI 100. PRELIMINARY ADMONITIONS

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 10/2004

You have now been sworn as jurors in this case. I want to impress on you the seriousness and importance of serving on a jury. Trial by jury is a fundamental right in California. The parties have a right to a jury that is selected fairly, that comes to the case without bias, and that will attempt to reach a fair verdict based on the evidence presented. Before we begin, I need to explain how you must conduct yourselves during the trial.

Do not allow anything that happens outside this courtroom to affect your decision. During the trial do not talk about this case or the people involved in it with anyone, including your family and friends. You may say you are on a jury and how long the trial may take, but that is all. You must not even talk about the case with the other jurors until after I tell you that it is time for you to decide the case.

During the trial you must not listen to anyone else talk about the case or the people involved in the case. You must avoid any contact with the parties, the lawyers, the witnesses, and anyone else who may have a connection to the case. If anyone tries to talk to you about this case, tell that person that you cannot discuss it because you are a juror. If he or she keeps talking to you, simply walk away and report the incident to me as soon as you can.

After the trial is over and I have released you from jury duty, you may discuss the case with anyone, but you are not required to do so.

During the trial, do not read, listen to, or watch any news reports about this case. I have no information that there will be news reports concerning this case. You must decide this case based only on the evidence presented in this trial and the instructions of law that I will provide.

Nothing presented outside this courtroom is evidence unless I specifically tell you it is.

Do not do any research on your own or as a group. Do not use dictionaries, the Internet, or other reference materials. Do not investigate the case or conduct any experiments. Do not contact anyone to assist you, such as a family accountant, doctor, or lawyer. Do not visit or view the scene of any event involved in this case. If you happen to pass by the scene, do not stop or investigate. All jurors must see or hear the same evidence at the same time. If you do need to view the scene during the trial, you will be taken there as a group under proper supervision.

It is important that you keep an open mind throughout this trial. Evidence can only be presented a piece at a time. Do not form or express an opinion about this case while the trial is going on. You must not decide on a verdict until after you have heard all the evidence and have discussed it thoroughly with your fellow jurors in your deliberations.

Do not concern yourselves with the reasons for the rulings I will make during the course of the trial. Do not guess what I may think your verdict should be from anything I might say or do.

When it is time to begin your deliberations, you will meet in the jury room. You may discuss the case only in the jury room and only when all the jurors are present.

Do not let bias, sympathy, prejudice, or public opinion influence your verdict.

You must decide what the facts are in this case. And, I repeat, your verdict must be based only on the evidence that you hear or see in this courtroom.

At the end of the trial, I will explain the law that you must follow to reach your verdict. You must follow the law as I explain it to you, even if you do not agree with the law.

CACI 101. OVERVIEW OF TRIAL

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

To assist you in your tasks as jurors, I will now explain how the trial will proceed.

Kathleen Machado, Rachel Lomas, and Amber Lomas filed this lawsuit. They are called plaintiffs. They seek damages from Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and the Roman Catholic Diocese of Stockton, who are called defendants. Each plaintiff and each defendant is called a party to the case.

First, each side may make an opening statement, but neither side is required to do so. An opening statement is not evidence. It is simply an outline to help you understand what that party expects the evidence will show. Also, because it is often difficult to give you the evidence in the order we would prefer, the opening statement allows you to keep an overview of the case in mind during the presentation of the evidence. You cannot use it to make any decisions in this case.

Next, the jury will start hearing the evidence. Kathleen Machado, Rachel Lomas, and Amber Lomas will present their evidence first. When Kathleen Machado, Rachel Lomas, and Amber Lomas are finished, Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and the Roman Catholic Diocese of Stockton will have an opportunity to present their evidence.

Each witness will first be questioned by the side that asked the witness to testify. This is called direct examination. Then the other side is permitted to question the witness. This is called cross-examination.

Documents or objects referred to during the trial are called exhibits. Exhibits will be given a number and marked so they may be clearly identified. Exhibits are not evidence until I admit them

into evidence. You will be able to look at these exhibits during your deliberations.

There are many rules that govern whether something will be considered evidence in the trial. As one side presents evidence, the other side has the right to object and to ask me to decide if the evidence is permitted by the rules. Usually, I will decide immediately, but sometimes I may have to hear arguments outside of your presence.

After the evidence has been presented, I will instruct you on the law that applies to the case and the attorneys will make closing arguments. What the parties say in closing argument is not evidence. The arguments are offered to help you understand the evidence and how the law applies to it.

CACI 102. TAKING NOTES DURING THE TRIAL

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

You have been given notebooks and may take notes during the trial. Do not remove the notebooks from the jury box at any time during the trial. You may take your notes into the jury room during deliberations.

You should use your notes only to remind yourself of what happened during the trial. Do not let your note-taking interfere with your ability to listen carefully to all the testimony and to watch the witnesses as they testify. Nor should you allow your impression of a witness or other evidence to be influenced by whether or not other jurors are taking notes. Your independent recollection of the evidence should govern your verdict and you should not allow yourself to be influenced by the notes of other jurors if those notes differ from what you remember.

The court reporter is making a record of everything that is said. If during deliberations you have a question about what the witness said, you should ask that the court reporter's records be read to you. You must accept the court reporter's record as accurate.

CACI 103. MULTIPLE PARTIES

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

There are 3 plaintiffs in this trial. You should decide the case of each plaintiff separately as if it were a separate lawsuit. Each plaintiff is entitled to separate consideration of his or her own claims. Unless I tell you otherwise, all instructions apply to each plaintiff.

There are 4 defendants in this trial. You should decide the case against each defendant separately as if it were a separate lawsuit. Each defendant is entitled to separate consideration of his or her own defenses. Unless I tell you otherwise, all instructions apply to each defendant.

CAJI 104. NON-PERSON PARTY

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>	_____ Judge			

Print date: 9/2003

A corporation, Roman Catholic Diocese of Stockton, is a party in this lawsuit. Roman Catholic Diocese of Stockton is entitled to the same fair and impartial treatment that you would give to an individual. You must decide this case with the same fairness that you would use if you were deciding the case between individuals.

When I use words like "person" or "he" or "she" in these instructions to refer to a party, those instructions also apply to Roman Catholic Diocese of Stockton.

CACI 105. INSURANCE

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

You must not consider whether any of the parties in this case has insurance. The presence or absence of insurance is totally irrelevant. You must decide this case based only on the law and the evidence.

CAJI 106. EVIDENCE

Requested by Plaintiffs Kathleen Machado et al	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>	_____ Judge			

Print date: 9/2003

Sworn testimony, documents, or anything else may be admitted into evidence. You must decide what the facts are in this case from the evidence you see or hear during the trial. You may not consider as evidence anything that you see or hear when court is not in session, even something done or said by one of the parties, attorneys, or witnesses.

What the attorneys say during the trial is not evidence. In their opening statements and closing arguments, the attorneys will talk to you about the law and the evidence. What the lawyers say may help you understand the law and the evidence, but their statements and arguments are not evidence.

The attorneys' questions are not evidence. Only the witnesses' answers are evidence. You should not think that something is true just because an attorney's question suggests that it is true. However, the attorneys for both sides can agree that certain facts are true. This agreement is called a stipulation. No other proof is needed and you must accept those facts as true in this trial.

Each side has the right to object to evidence offered by the other side. If I do not agree with the objection, I will say it is overruled. If I overrule an objection, the witness will answer and you may consider the evidence. If I agree with the objection, I will say it is sustained. If I sustain an objection, you must ignore the question. If the witness did not answer, you must not guess what he or she might have said or why I sustained the objection. If the witness has already answered, you must ignore the answer.

Sometimes an attorney may make a motion to strike testimony that you have heard. If I grant the motion, you must totally disregard that testimony. You must treat it as though it did not exist.

CACI 107. WITNESSES

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>	_____ Judge			

Print date: 4/2004

A witness is a person who has knowledge related to this case. You will have to decide whether you believe each witness and how important each witness's testimony is to the case. You may believe all, part, or none of a witness's testimony.

In deciding whether to believe a witness's testimony, you may consider, among other factors, the following:

- (a) How well did the witness see, hear, or otherwise sense what he or she described in court?
- (b) How well did the witness remember and describe what happened?
- (c) How did the witness look, act, and speak while testifying?
- (d) Did the witness have any reason to say something that was not true? Did the witness show any bias or prejudice? Did the witness have a personal relationship with any of the parties involved in the case? Does the witness have a personal stake in how this case is decided?
- (e) What was the witness's attitude toward this case or about giving testimony?

Sometimes a witness may say something that is not consistent with something else he or she said. Sometimes different witnesses will give different versions of what happened. People often forget things or make mistakes in what they remember. Also, two people may see the same event but remember it differently. You may consider these differences, but do not decide that testimony is untrue just because it differs from other testimony.

However, if you decide that a witness has deliberately testified untruthfully about something important, you may choose not to believe anything that witness said. On the other hand,

if you think the witness testified untruthfully about some things but told the truth about others, you may accept the part you think is true and ignore the rest.

Do not make any decision simply because there were more witnesses on one side than on the other. If you believe it is true, the testimony of a single witness is enough to prove a fact.

You must not be biased against any witness because of his or her race, sex, religion, occupation, sexual orientation, or national origin.

CACI 200. OBLIGATION TO PROVE--MORE LIKELY TRUE THAN NOT TRUE

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

When I tell you that a party must prove something, I mean that the party must persuade you, by the evidence presented in court, that what he or she is trying to prove is more likely to be true than not true. This is sometimes referred to as "the burden of proof."

After weighing all of the evidence, if you cannot decide whether a party has satisfied the burden of proof, you must conclude that the party did not prove that fact. You should consider all the evidence that applies to that fact, no matter which party produced the evidence.

In criminal trials, the prosecution must prove facts showing that the defendant is guilty beyond a reasonable doubt. But in civil trials, such as this one, the party who is required to prove a fact need only prove that the fact is more likely to be true than not true.

CACI 201. MORE LIKELY TRUE--CLEAR AND CONVINCING PROOF

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>				

Judge

Print date: 10/2004

Certain facts must be proved by clear and convincing evidence, which is a higher burden of proof. This means the party must persuade you that it is highly probable that the fact is true. I will tell you specifically which facts must be proved by clear and convincing evidence.

CACI 202. DIRECT AND INDIRECT EVIDENCE

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

Evidence can come in many forms. It can be testimony about what someone saw or heard or smelled. It can be an exhibit admitted into evidence. It can be someone's opinion.

Some evidence proves a fact directly, such as testimony of a witness who saw a jet plane flying across the sky. Some evidence proves a fact indirectly, such as testimony of a witness who saw only the white trail that jet planes often leave. This indirect evidence is sometimes referred to as "circumstantial evidence." In either instance, the witness's testimony is evidence that a jet plane flew across the sky.

As far as the law is concerned, it makes no difference whether evidence is direct or indirect. You may choose to believe or disbelieve either kind. Whether it is direct or indirect, you should give every piece of evidence whatever weight you think it deserves.

CACI 203. PARTY HAVING POWER TO PRODUCE BETTER EVIDENCE

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>	_____ Judge			

Print date: 9/2003

You may consider the ability of each party to provide evidence. If a party provided weaker evidence when it could have provided stronger evidence, you may distrust the weaker evidence.

CACI 204. WILLFUL SUPPRESSION OF EVIDENCE

Requested by Plaintiffs Kathleen Machado et al	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>	Judge			

Print date: 10/2004

You may consider whether one party intentionally concealed or destroyed evidence. If you decide that a party did so, you may decide that the evidence would have been unfavorable to that party.

CACI 205. FAILURE TO EXPLAIN OR DENY EVIDENCE

Requested by Plaintiffs Karhleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>				
					Judge

Print date: 9/2003

You may consider whether a party failed to explain or deny some unfavorable evidence. Failure to explain or to deny unfavorable evidence may suggest that the evidence is true.

CACI 206. EVIDENCE ADMITTED FOR LIMITED PURPOSE

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>				

Judge _____

Print date: 9/2003

During the trial, I explained to you that certain evidence was admitted for a limited purpose. You may consider that evidence only for the limited purpose that I described, and not for any other purpose.

CACI 207. EVIDENCE APPLICABLE TO ONE PARTY

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

During the trial, I explained that certain evidence could be considered as to one or more parties but not to every party. You may not consider that evidence as to any other party.

CACI 208. DEPOSITION AS SUBSTANTIVE EVIDENCE

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

During the trial, you heard testimony read from a deposition. A deposition is the testimony of a person taken before trial. At a deposition the person is sworn to tell the truth and is questioned by the attorneys. You must consider the deposition testimony that was read to you in the same way as you consider testimony given in court.

CACI 209. USE OF INTERROGATORIES OF A PARTY

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	<hr/> Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

Before trial, each party has the right to ask the other parties to answer written questions. These questions are called interrogatories. The answers are also in writing and are given under oath. You must consider the questions and answers that were read to you the same as if the questions and answers had been given in court.

CACI 210. REQUESTS FOR ADMISSIONS

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

Before trial, each party has the right to ask another party to admit in writing that certain matters are true. If the other party admits those matters, you must accept them as true. No further evidence is required to prove them.

However, these matters must be considered true only as they apply to the party who admitted they were true.

CACI 212. STATEMENTS OF A PARTY OPPONENT

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>	_____ Judge			

Print date: 9/2003

A party may offer into evidence any oral or written statement made by an opposing party outside the courtroom.

When you evaluate evidence of such a statement, you must consider these questions:

1. Do you believe that the party actually made the statement? If you do not believe that the party made the statement, you may not consider the statement at all.

2. If you believe that the statement was made, do you believe it was reported accurately?

You should view testimony about an oral statement made by a party outside the courtroom with caution.

CACI 215. EXERCISE OF A COMMUNICATION PRIVILEGE

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	Judge _____			
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

People have a legal right not to disclose what they told their attorney in confidence because the law considers this information privileged. People may exercise this privilege freely and without fear of penalty.

You must not use the fact that a witness exercised this privilege to decide whether he or she should be believed. Indeed, you must not let it affect any of your decisions in this case.

CACI 216. EXERCISE OF WITNESS' RIGHT NOT TO TESTIFY

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

Yvonne McLoughlin has exercised her legal right not to testify concerning certain matters. Do not draw any conclusions from the exercise of this right or let it affect any of your decisions in this case. A witness may exercise this right freely and without fear of penalty.

CACI 219. EXPERT-WITNESS TESTIMONY

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>	Judge _____			

Print date: 9/2003

During the trial you heard testimony from expert witnesses. The law allows an expert to state opinions about matters in his or her field of expertise even if he or she has not witnessed any of the events involved in the trial.

You do not have to accept an expert's opinion. As with any other witness, it is up to you to decide whether you believe the expert's testimony and choose to use it as a basis for your decision. You may believe all, part, or none of an expert's testimony. In deciding whether to believe an expert's testimony, you should consider:

1. The expert's training and experience;
2. The facts the expert relied on; and
3. The reasons for the expert's opinion.

CACI 220. EXPERTS--QUESTIONS CONTAINING ASSUMED FACTS

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>	Judge _____			

Print date: 9/2003

The law allows expert witnesses to be asked questions that are based on assumed facts. These are sometimes called "hypothetical questions."

In determining the weight to give to the expert's opinion that is based on the assumed facts, you should consider whether the assumed facts are true.

CACI 400. ESSENTIAL FACTUAL ELEMENTS

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

Kathleen Machado, Rachel Lomas, and Amber Lomas claim that they were harmed by Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and the Diocese of Stockton's negligence. To establish this claim, Kathleen Machado, Rachel Lomas, and Amber Lomas must prove all of the following:

1. That Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton' was negligent;
2. That Kathleen Machado, Rachel Lomas, and/or Amber Lomas were harmed; and
3. That Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton' negligence was a substantial factor in causing Kathleen Machado, Rachel Lomas, and/or Amber Lomas's harm.

Just because Kathleen Machado, Rachel Lomas, and/or Amber Lomas were harmed does not, by itself, mean that Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton are legally responsible for the harm.

CACI 401. BASIC STANDARD OF CARE

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>	Judge _____			

Print date: 9/2003

Negligence is the failure to use reasonable care to prevent harm to oneself or to others.

A person can be negligent by acting or by failing to act. A person is negligent if he or she does something that a reasonably careful person would not do in the same situation or fails to do something that a reasonably careful person would do in the same situation.

You must decide how a reasonably careful person would have acted in Kathleen Machado, Rachel Lomas, and Amber Lomas, Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire and the Diocese of Stockton's situation.

CACI 402. STANDARD OF CARE OF MINORS

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>	Judge _____			

Print date: 9/2003

Rachel Lomas, and Amber Lomas are children who were 10 and 13 years old respectively at the time of the incident. Children are not held to the same standards of behavior as adults. A child is required to use the amount of care that a reasonably careful child of the same age, intelligence, knowledge, and experience would use in that same situation.

CACI VF-402. NEGLIGENCE--FAULT OF PLAINTIFF AND OTHERS AT ISSUE

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

We answer the questions submitted to us as follows:

1. Was name of first defendant negligent?

___ Yes ___ No

Was name of second defendant negligent?

___ Yes ___ No

Repeat as necessary for other defendants.

If you answered yes in any part of question 1, then answer question 2. If you answered no to all parts of question 1, stop here, answer no further questions, and have the presiding juror sign and date this form.

2. For each defendant that received a "yes" answer in question 1, answer the following:

Was name of first defendant's negligence a substantial factor in causing harm to name of plaintiff?

___ Yes ___ No

Was name of second defendant's negligence a substantial factor in causing harm to name of

plaintiff?

Yes No

Repeat as necessary for other defendants.

If you answered yes in any part of question 2, then answer question 3. If you answered no to all parts of question 2, stop here, answer no further questions, and have the presiding juror sign and date this form.

3. What are name of plaintiff's total damages? Do not reduce the damages based on the fault, if any, of name of plaintiff or others.

a. Past economic loss, including lost earnings lost profits medical expenses: \$ _____

b. Future economic loss, including lost earnings lost profits lost earning capacity medical expenses: \$ _____

c. Past noneconomic loss, including physical pain mental suffering: \$ _____

d. Future noneconomic loss, including physical pain mental suffering: \$ _____

TOTAL \$ _____

If name of plaintiff has proved any damages, then answer question 4. If name of plaintiff has not proved any damages, then stop here, answer no further questions, and have the presiding juror sign and date this form.

4. Was name of plaintiff negligent?

Yes No

If your answer to question 4 is yes, then answer question 5. If you answered no, answer

question 6.

5. Was name of plaintiff's negligence a substantial factor in causing his/her harm?

Yes No

If your answer to question 5 is yes, then answer question 6. If you answered no, insert the number zero next to name of plaintiff's name in question 8 and answer question 6.

6. Was ___(name/description of first nonparty)___ negligent?

Yes No

Was ___(name/description of second nonparty)___ negligent?

Yes No

If you answered yes in any part of 6, then answer question 7. If you answered no to all parts of question 6, answer question 8.

7. For each person who received a "yes" answer in question 6, answer the following:

Was ___(name/description of first nonparty)___'s negligence a substantial factor in causing harm to name of plaintiff?

Yes No

Was ___(name/description of second nonparty)___'s negligence a substantial factor in causing harm to name of plaintiff?

Yes No

If you answered yes in any part of question 7, then answer question 8. If you answered no regarding all persons in question 7, then insert the number zero next to their names in question 8 and answer question 8.

8. What percentage of responsibility for name of plaintiff's harm do you assign to the following? Insert a percentage for only those who received "yes" answers in questions 2, 5, or 7:

Name of first defendant:	_____ %
Name of second defendant:	_____ %
Name of plaintiff:	_____ %
Name/description of first nonparty:	_____ %
Name/description of second nonparty:	_____ %
TOTAL	100 %

Signed: _____

Presiding Juror

Dated: _____

After it has been signed After all verdict forms have been signed , deliver this verdict form to the clerk bailiff judge .

CACI 406. APPORTIONMENT OF RESPONSIBILITY

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>	_____ Judge			

Print date: 9/2003

More than one person's negligence or fault may have been a substantial factor in causing plaintiffs' harm. If so, you must decide how much responsibility each person has by determining, on a percentage basis, the extent to which his or her negligence or fault contributed to causing the harm.

CACI 411. RELIANCE ON GOOD CONDUCT OF OTHERS

Requested by Plaintiffs Karhicec Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

Every person has a right to expect that every other person will use reasonable care and will not violate the law, unless he or she knows, or should know, that the other person will not use reasonable care or will violate the law.

CACI 412. DUTY OF CARE OWED CHILDREN

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

An adult must anticipate the ordinary behavior of children. An adult must be more careful when dealing with children than with other adults.

CACI 413. CUSTOM OR PRACTICE

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>	_____ Judge			

Print date: 9/2003

You may consider customs or practices in the community in deciding whether defendants acted reasonably. Customs and practices do not necessarily determine what a reasonable person would have done in defendants' situation. They are only factors for you to consider.

Following a custom or practice does not excuse conduct that is unreasonable. You should consider whether the custom or practice itself is reasonable.

CACI 418. PRESUMPTION OF NEGLIGENCE PER SE

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

Penal Code section 243.4 states:

(a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. ...

...

(e)(1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. ...

(2) As used in this subdivision, "touches" means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.

(f) As used in subdivisions (a), (b), (c), and (d), " touches" means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.

(g) As used in this section, the following terms have the following meanings:

(1) "Intimate part" means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.

...

(6) "Minor" means a person under 18 years of age.

If you decide:

1. That Fr. Francis Joseph violated this law, and
2. That the violation was a substantial factor in bringing about the harm, then you must find that Fr. Francis Joseph was negligent.

If you find that Fr. Francis Joseph did not violate this law or that the violation was not a substantial factor in bringing about the harm, then you must still decide whether Fr. Francis Joseph was negligent in light of the other instructions.

CACI 430. CAUSATION: SUBSTANTIAL FACTOR

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>	Judge _____			

Print date: 10/2004

A substantial factor in causing harm is a factor that a reasonable person would consider to have contributed to the harm. It must be more than a remote or trivial factor. It does not have to be the only cause of the harm.

CACI 431. CAUSATION: MULTIPLE CAUSES

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

A person's negligence may combine with another factor to cause harm. If you find that a defendant's negligence was a substantial factor in causing a plaintiff's harm, then defendant is responsible for the harm. A defendant cannot avoid responsibility just because some other person, condition, or event was also a substantial factor in causing a plaintiff's harm.

CACI 434. ALTERNATIVE CAUSATION

Requested by Plaintiffs Kathleen Machaco et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

You may decide that more than one of the defendants was negligent, but that the negligence of only one of them could have actually caused a plaintiff's harm. If you cannot decide which defendant caused a plaintiff's harm, you must decide that each defendant is responsible for the harm.

However, if a defendant proves that he or it did not cause a plaintiff's harm, then you must conclude that defendant is not responsible.

CACI 1300. BATTERY--ESSENTIAL FACTUAL ELEMENTS

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>	Judge _____			

Print date: 10/2004

Rachel Lomas and Amber Lomas claim that Fr. Francis Joseph committed a battery. To establish this claim, Rachel Lomas, and Amber Lomas must prove all of the following:

1. That Fr. Francis Joseph touched Rachel Lomas and/or Amber Lomas with the intent to harm or offend them;
2. That Rachel Lomas and/or Amber Lomas did not consent to the touching; and
3. Rachel Lomas and/or Amber Lomas was harmed or offended by Fr. Francis Joseph's conduct; and
4. That a reasonable person in Rachel Lomas and/or Amber Lomas's situation would have been offended by the touching.

CACI VF-1300. BATTERY

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 10/2004

We answer the questions submitted to us as follows:

1. Did name of defendant touch name of plaintiff or cause name of plaintiff to be touched with the intent to harm or offend him/her?

_____ Yes _____ No

If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

2. Did name of plaintiff consent to be touched?

_____ Yes _____ No

If your answer to question 2 is no, then answer question 3. If you answered yes, stop here, answer no further questions, and have the presiding juror sign and date this form.

3. Was name of plaintiff harmed or offended by name of defendant's conduct?

_____ Yes _____ No

If your answer to question 3 is yes, then answer question 4. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

4. Would a reasonable person in name of plaintiff's situation have been offended by the touching?

_____ Yes _____ No

If your answer to question 4 is yes, then answer question 5. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

5. What are name of plaintiff's damages?

a. Past economic loss, including lost earnings lost profits medical expenses:

\$ _____

b. Future economic loss, including lost earnings lost profits lost earning capacity
medical expenses: \$ _____

c. Past noneconomic loss, including physical pain mental suffering: \$ _____

d. Future noneconomic loss, including physical pain mental suffering: \$ _____

TOTAL \$ _____

Signed: _____

Presiding Juror

Dated: _____

When signed After all verdict forms have been signed , this verdict form must be delivered to the clerk bailiff judge .

CACI 1302. CONSENT EXPLAINED

Requested by Plaintiffs Kathleen Machado et al	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>	Judge _____			

Print date: 9/2003

A plaintiff may express consent by words or acts that are reasonably understood by another person as consent.

A plaintiff may also express consent by silence or inaction if a reasonable person would understand that the silence or inaction intended to indicate consent.

CACI 1303. INVALID CONSENT

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

Rachel Lomas, and Amber Lomas claim that any consent, if you find that they consented was obtained by mistake, duress, was obtained as a result of their incapacity, or that Fr. Francis Joseph's conduct went beyond the scope of their limited consent.

If Rachel Lomas and/or Amber Lomas proves that their consent was obtained by mistake, duress, was obtained as a result of their incapacity, or that Fr. Francis Joseph's conduct went beyond the scope of their limited consent, then you must find that they did not consent.

CACI 1320. INTENT

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, and/or Bishop Steven Blaire acted intentionally if they intended to commit a battery, commit a sexual battery, and/or inflict emotional distress on plaintiffs, or any of them, or if they was substantially certain that the battery, sexual battery, or infliction of emotional distress would result from their conduct.

**CACI 1600. INTENTIONAL INFLICTION OF EMOTIONAL
DISTRESS--ESSENTIAL FACTUAL ELEMENTS**

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>	Judge			

Print date: 9/2003

Kathleen Machado, Rachel Lomas, and Amber Lomas claim that Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton's conduct caused them to suffer severe emotional distress. To establish this claim, Kathleen Machado, Rachel Lomas, and/or Amber Lomas must prove all of the following:

1. That Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton's conduct was outrageous;

2. That Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton intended to cause Kathleen Machado, Rachel Lomas, and Amber Lomas emotional distress;

or

That Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton acted with reckless disregard of the probability that Kathleen Machado, Rachel Lomas, and/or Amber Lomas would suffer emotional distress, knowing that Kathleen Machado, Rachel Lomas, and/or Amber Lomas was present when the conduct occurred;

3. That Kathleen Machado, Rachel Lomas, and/or Amber Lomas suffered severe emotional distress; and

4. That Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton's conduct was a substantial factor in causing Kathleen Machado, Rachel Lomas, and Amber Lomas's severe emotional distress.

CACI VF-1600. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

We answer the questions submitted to us as follows:

1. Was name of defendant's conduct outrageous?

___ Yes ___ No

If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

2. Did name of defendant intend to cause name of plaintiff emotional distress? or

Did name of defendant act with reckless disregard of the probability that name of plaintiff would suffer emotional distress, knowing that name of plaintiff was present when the conduct occurred?

___ Yes ___ No

If your answer to question 2 is yes, then answer question 3. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

3. Did name of plaintiff suffer severe emotional distress?

___ Yes ___ No

If your answer to question 3 is yes, then answer question 4. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

4. Was name of defendant's conduct a substantial factor in causing name of plaintiff's severe emotional distress?

Yes No

If your answer to question 4 is yes, then answer question 5. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

5. What are name of plaintiff's damages?

a. Past economic loss, including lost earnings lost profits medical expenses: \$ _____

b. Future economic loss, including lost earnings lost profits lost earning capacity medical expenses: \$ _____

c. Past noneconomic loss, including physical pain mental suffering: \$ _____

d. Future noneconomic loss, including physical pain mental suffering: \$ _____

TOTAL \$ _____

Signed: _____

Presiding Juror

Dated: _____

When signed After all verdict forms have been signed , this verdict form must be delivered to the clerk bailiff judge .

**CACI 1602. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS--
"OUTRAGEOUS CONDUCT" DEFINED**

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>	Judge _____			

Print date: 9/2003

"Outrageous conduct" is conduct so extreme that it goes beyond all possible bounds of decency. Conduct is outrageous if a reasonable person would regard the conduct as intolerable in a civilized community. Outrageous conduct does not include trivialities such as indignities, annoyances, hurt feelings, or bad manners that a reasonable person is expected to endure.

In deciding whether Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton's conduct was outrageous, you may consider, among other factors, the following:

(a) Whether Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton's abused a position of authority or a relationship that gave him or it real or apparent power to affect Kathleen Machado, Rachel Lomas, and/or Amber Lomas's interests;

(b) Whether Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton knew that Kathleen Machado, Rachel Lomas, and Amber Lomas was particularly vulnerable to emotional distress; and

(c) Whether Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton knew that their conduct would likely result in harm due to mental distress.

**CACI 1603. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS--
"RECKLESS DISREGARD" DEFINED**

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>	_____ Judge			

Print date: 9/2003

Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton acted with reckless disregard in causing Kathleen Machado, Rachel Lomas, and/or Amber Lomas emotional distress if:

1. Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton knew that emotional distress would probably result from their conduct; or
2. Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton gave little or no thought to the probable effects of their conduct.

**CACI VF-1603. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS--
DIRECT VICTIM**

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>	_____ Judge			

Print date: 9/2003

We answer the questions submitted to us as follows:

1. Was name of defendant negligent?

___ Yes ___ No

If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

2. Did name of plaintiff suffer serious emotional distress?

___ Yes ___ No

If your answer to question 2 is yes, then answer question 3. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

3. Was name of defendant's negligence a substantial factor in causing name of plaintiff's serious emotional distress?

___ Yes ___ No

If your answer to question 3 is yes, then answer question 4. If you answered no, stop here,

answer no further questions, and have the presiding juror sign and date this form.

4. What are name of plaintiff's damages?

a. Past economic loss, including lost earnings lost profits medical expenses: \$ _____

b. Future economic loss, including lost earnings lost profits lost earning capacity medical expenses: \$ _____

c. Past noneconomic loss, including physical pain mental suffering: \$ _____

d. Future noneconomic loss, including physical pain mental suffering: \$ _____

TOTAL \$ _____

Signed: _____

Presiding Juror

Dated: _____

When signed After all verdict forms have been signed , this verdict form must be delivered to the clerk bailiff judge .

**CACI 1604. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS--
"SEVERE EMOTIONAL DISTRESS" DEFINED**

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>	Judge _____			

Print date: 9/2003

Emotional distress includes suffering, anguish, fright, horror, nervousness, grief, anxiety, worry, shock, humiliation, and shame.

"Severe emotional distress" is not mild or brief; it must be so substantial or long lasting that no reasonable person in a civilized society should be expected to bear it. Kathleen Machado, Rachel Lomas, and/or Amber Lomas are not required to prove physical injury to recover damages for severe emotional distress.

**CACI 1620. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS-- DIRECT
VICTIM--ESSENTIAL FACTUAL ELEMENTS**

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

Kathleen Machado, Rachel Lomas, and Amber Lomas claim that Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton's conduct caused them to suffer serious emotional distress. To establish this claim, Kathleen Machado, Rachel Lomas, and/or Amber Lomas must prove all of the following:

1. That Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton were negligent;
2. That Kathleen Machado, Rachel Lomas, and/or Amber Lomas suffered serious emotional distress; and
3. That Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton's negligence was a substantial factor in causing Kathleen Machado, Rachel Lomas, and/or Amber Lomas's serious emotional distress.

Emotional distress includes suffering, anguish, fright, horror, nervousness, grief, anxiety, worry, shock, humiliatiou, and shame. Serious emotional distress exists if an ordinary, reasonable person would be unable to cope with it.

**CACI 1704. DEFAMATION PER SE--ESSENTIAL FACTUAL ELEMENTS
(PRIVATE FIGURE--MATTER OF PRIVATE CONCERN)**

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>	Judge			

Print date: 9/2003

Kathleen Machado claims that Fr. Joseph Illo and ~~Fr. Francis Joseph~~ harmed her by making one or more of the following statement(s): 1. That all she wanted was to have sex with Fr. Illo

~~2. That she was mentally ill;~~

3. That she was stalking Fr. Illo.

To establish this claim, Kathleen Machado must prove all of the following:

Liability

1. That Fr. Joseph Illo and/or ~~Fr. Francis Joseph~~ made one or more of the statements to a person other than Kathleen Machado;
2. That this person reasonably understood that the statements were about Kathleen Machado;
3. That this person reasonably understood the statement(s) to mean that Kathleen Machado was an unchaste woman, that Kathleen Machado suffers from a loathsome disease, and/or that Kathleen Machado had committed a crime;
4. That Fr. Joseph Illo and/or ~~Fr. Francis Joseph~~ failed to use reasonable care to determine the truth or falsity of the statement(s).

Nominal damages

If Kathleen Machado has proved all of the above, the law assumes that her reputation has been harmed. Without further evidence of damage, Kathleen Machado is entitled to a nominal sum such

as one dollar or such greater sum as you believe is proper for the assumed harm to her reputation under the circumstances of this case.

Actual damages

Kathleen Machado is also entitled to recover if she proves that Fr. Joseph Illo and/or ~~Fr. Francis Joseph~~ ^g wrongful conduct was a substantial factor in causing any of the following actual damages:

- a. Harm to Kathleen Machado's property, business, trade, profession, or occupation;
- b. Expenses Kathleen Machado had to pay as a result of the defamatory statements;
- c. Harm to Kathleen Machado's reputation in addition to that assumed by the law; or
- d. Shame, mortification, or hurt feelings.

Punitive damages

Kathleen Machado may also recover damages to punish Fr. Joseph Illo and/or ~~Fr. Francis Joseph~~ ^g if she proves by clear and convincing evidence that Fr. Joseph Illo and/or ~~Fr. Francis Joseph~~ ^g acted with malice, oppression, or fraud.

"Malice" means that Fr. Joseph Illo and/or ~~Fr. Francis Joseph~~ ^g acted with intent to cause injury or that their conduct was despicable and was done with a willful and knowing disregard of the rights or safety of another. A person acts with knowing disregard when he or she is aware of the probable dangerous consequences of his or her conduct and deliberately fails to avoid those consequences.

"Oppression" means that Fr. Joseph Illo and/or ~~Fr. Francis Joseph~~ ^g conduct was despicable and subjected Kathleen Machado to cruel and unjust hardship in knowing disregard of their rights.

"Despicable conduct" is conduct that is so mean, vile, base, or contemptible that it would be looked down on and despised by reasonable people.

"Fraud" means that Fr. Joseph Illo and/or ~~Fr. Francis Joseph~~ ^g intentionally misrepresented or

concealed a material fact and did so intending to deprive Kathleen Machado of property or of a legal right or otherwise to cause her injury.

**CACI VF-1704. DEFAMATION PER SE--ESSENTIAL FACTUAL ELEMENTS
(PRIVATE FIGURE--MATTER OF PRIVATE CONCERN)**

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>	Judge _____			

Print date: 9/2003

We answer the questions submitted to us as follows:

1. Did name of defendant make one or more of the following statement(s) to a person persons other than name of plaintiff? ___(List all claimed per se defamatory statements)___

___ Yes ___ No

If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

2. Did the person people to whom the statements were made reasonably understand that the statement(s) was were about name of plaintiff?

___ Yes ___ No

If your answer to question 2 is yes, then answer question 3. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

3. Did this person these people reasonably understand the statement(s) to mean that ___(insert ground(s) for defamation per se, e.g., "name of plaintiff had committed a crime")___?

___ Yes ___ No

If your answer to question 3 is yes, then answer question 4. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

4. Did name of defendant fail to use reasonable care to determine the truth or falsity of the statement(s)?

Yes No

If your answer to question 4 is yes, then answer question 5. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

ACTUAL DAMAGES

5. What are name of plaintiff's actual damages?

a. Past economic loss, including harm to name of plaintiff's property, business, trade, profession, or occupation, and expenses name of plaintiff had to pay as a result of the defamatory statements \$ _____

b. Future economic loss, including harm to name of plaintiff's property, business, trade, profession, or occupation, and expenses name of plaintiff will have to pay as a result of the defamatory statements \$ _____

c. Past noneconomic loss including shame, mortification, or hurt feelings, and harm to name of plaintiff's reputation \$ _____

d. Future noneconomic loss including shame, mortification, or hurt feelings, and harm to name of plaintiff's reputation \$ _____

TOTAL \$ _____

If name of plaintiff has not proved any actual damages, then answer question 6.

If name of plaintiff has proved any actual damages, skip question 6 and answer question 7.

ASSUMED DAMAGES TO REPUTATION

6. What are the damages you award name of plaintiff for the assumed harm to his/her reputation? You must award at least a nominal sum. \$ _____

Regardless of your answer to question 6, answer question 7.

PUNITIVE DAMAGES

7. Has name of plaintiff proved by clear and convincing evidence that name of defendant acted with malice, oppression, or fraud?

___ Yes ___ No

If your answer to question 7 is yes, then answer question 8. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

8. What amount, if any, do you award as punitive damages against name of defendant?
\$ _____

Signed: _____

Presiding Juror

Dated: _____

After it has been signed After all verdict forms have been signed , deliver this verdict form to the clerk bailiff judge .

CACI 1706. DEFINITION OF STATEMENT

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>	_____ Judge			

Print date: 9/2003

The word "statement" in these instructions refers to any form of communication or representation, including spoken or written words.

CACI 1707. FACT VERSUS OPINION

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

For Kathleen Machado to recover, Fr. Joseph Illo and/or Fr. Francis Joseph's statement(s) must have been statements of fact, not opinion. A statement of fact is a statement that can be proved to be true or false. An opinion may be considered a statement of fact if the opinion suggests that facts exist.

In deciding this issue, you should consider whether the average listener would conclude from the language of the statement and its context that Fr. Joseph Illo and/or Fr. Francis Joseph was making a statement of fact.

CACI 3600. CONSPIRACY--ESSENTIAL FACTUAL ELEMENTS

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

Kathleen Machado, Rachel Lomas, and Amber Lomas claim that they were harmed by Mary Mullins, Rosario Hernandez, Jackie Tucker, Owen Kummerle, and/or Yvonne McLoughlin's negligence, defamation, and intentional and/or negligent infliction of emotional distress, and that Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton are responsible for the harm because they were part of a conspiracy to commit negligence, defamation, and intentional and/or infliction of emotional distress. A conspiracy is an agreement by two or more persons to commit a wrongful act. Such an agreement may be made orally or in writing or may be implied by the conduct of the parties.

If you find that Mary Mullins, Rosario Hernandez, Jackie Tucker, Owen Kummerle, and/or Yvonne McLoughlin committed negligence, defamation, and intentional and/or negligent infliction of emotional distress that harmed Kathleen Machado, Rachel Lomas, and/or Amber Lomas, then you must determine whether Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton is also responsible for the harm. Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton is responsible if Kathleen Machado, Rachel Lomas, and/or Amber Lomas proves both of the following:

1. That Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton were aware that Mary Mullins, Rosario Hernandez, Jackie Tucker, Owen Kummerle, and/or Yvonne McLoughlin and others planned to commit negligence, defamation, and intentional and/or infliction of emotional distress.; and

2. That Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire,

and/or the Diocese of Stockton agreed with Mary Mullins, Rosario Hernandez, Jackie Tucker, Owen Kummerle, and/or Yvonne McLoughlin and others and intended that the negligence, defamation, and intentional and/or infliction of emotional distress. be committed.

Mere knowledge of a wrongful act without cooperation or an agreement to cooperate is insufficient to make Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton responsible for the harm.

A conspiracy may be inferred from circumstances, including the nature of the acts done, the relationships between the parties, and the interests of the alleged co-conspirators.

Kathleen Machado, Rachel Lomas, and/or Amber Lomas is not required to prove that Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton personally committed a wrongful act or that they knew all the details of the agreement or the identities of all the other participants.

CAJI 3601. ONGOING CONSPIRACY

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

If you decide that Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton joined the conspiracy to commit negligence, defamation, or intentional and/or negligent infliction of emotional distress, then he or it is responsible for all acts done as part of the conspiracy, whether the acts occurred before or after he or it joined the conspiracy.

CACI 3700. INTRODUCTION

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

A person or corporation is responsible for harm caused by the wrongful conduct of his or its employees, agents, or alter egos while acting within the scope of their employment or authority.

CACI VF-3700. NEGLIGENCE--VICARIOUS LIABILITY

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>	_____ Judge			

Print date: 9/2003

We answer the questions submitted to us as follows:

1. Was name of agent negligent?

___ Yes ___ No

If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

2. Was name of agent's negligence a substantial factor in causing harm to name of plaintiff?

___ Yes ___ No

If your answer to question 2 is yes, then answer question 3. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

3. Was name of agent name of defendant's agent employee ___(insert other relationship)___ ?

___ Yes ___ No

If your answer to question 3 is yes, then answer question 4. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

4. Was name of agent acting within the scope of his/her agency employment ___(insert other

relationship)____ when he/she harmed name of plaintiff?

___Yes ___No

If your answer to question 4 is yes, then answer question 5. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

5. What are name of plaintiff's damages?

a. Past economic loss, including lost earnings lost profits medical expenses: \$_____

b. Future economic loss, including lost earnings lost profits lost earning capacity medical expenses: \$_____

c. Past noneconomic loss, including physical pain mental suffering: \$_____

d. Future noneconomic loss, including physical pain mental suffering: \$_____

TOTAL \$_____

Signed: _____

Presiding Juror

Dated: _____

After it has been signed After all verdict forms have been signed , deliver this verdict form to the clerk bailiff judge .

CACI 3703. LEGAL RELATIONSHIP NOT DISPUTED

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

In this case Monsignor Richard Ryan was the alter ego of Stephen Blaire. Fr. Joseph Illo; Fr. Francis Joseph, Msgr. Richard Ryan, and Bishop Steven Blaire were the agents or employees of the Diocese of Stockton.

If you find that Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan and/or Bishop Steven Blaire was acting within the scope of his employment, agency, or alter ego relationship when the incident occurred, then Steven Blaire, with respect to the conduct of Monsignor Ryan, and the Diocese of Stockton with respect to the conduct of Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, and/or Bishop Steven Blaire, is responsible for any harm caused by Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, and/or Bishop Steven Blaire's negligence, defamation, and/or intentional and/or negligent infliction of emotional distress.

CACI 3710. RATIFICATION

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

Kathleen Machado, Rachel Lomas, and Amber Lomas claim that Fr. Joseph Illo, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton are responsible for the harm caused by Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, and/or Bishop Steven Blaire's conduct because they approved that conduct after it occurred. If you find that Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, and/or Bishop Steven Blaire harmed Kathleen Machado, Rachel Lomas, and/or Amber Lomas, you must decide whether Fr. Joseph Illo, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton approved that conduct. To establish their claim, Kathleen Machado, Rachel Lomas, and/or Amber Lomas must prove all of the following:

1. That Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, and/or Bishop Steven Blaire intended to act on behalf of Fr. Joseph Illo, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton;
2. That Fr. Joseph Illo, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton learned of Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire's conduct after it occurred; and
3. That Fr. Joseph Illo, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton approved Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, and/or Bishop Steven Blaire's conduct.

Approval can be shown through words, or it can be inferred from a person's conduct. Approval can be inferred if a person voluntarily keeps the benefits of their representative or employee's

unauthorized conduct after they learn of the unauthorized conduct.

CACI 3720. SCOPE OF EMPLOYMENT

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

Kathleen Machado, Rachel Lomas, and Amber Lomas must prove that Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, and/or Bishop Steven Blaire was acting within the scope of their employment or authorization when Kathleen Machado, Rachel Lomas, and/or Amber Lomas was harmed.

Conduct is within the scope of employment and/or authorization if:

(a) It is reasonably related to the kinds of tasks that the employee or agent was employed to perform; or

(b) It is reasonably foreseeable in light of the employer's business or the agent's or employee's job responsibilities.

CACI 3722. SCOPE OF EMPLOYMENT--UNAUTHORIZED ACTS

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>	_____ Judge			

Print date: 9/2003

An employee's unauthorized conduct may be within the scope of employment or authorization if the conduct was committed in the course of a series of acts authorized by the employer or the conduct arose from a risk inherent in or created by the enterprise.

An employee's wrongful or criminal conduct may be within the scope of employment even if it breaks a company rule or does not benefit the employer.

CACI 3900. INTRODUCTION TO TORT DAMAGES-- LIABILITY CONTESTED

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

If you decide that Kathleen Machado, Rachel Lomas, and/or Amber Lomas has proved their claim against Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton, you also must decide how much money will reasonably compensate Kathleen Machado, Rachel Lomas, and/or Amber Lomas for the harm. This compensation is called "damages."

The amount of damages must include an award for each item of harm that was caused by Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton's wrongful conduct, even if the particular harm could not have been anticipated.

Kathleen Machado, Rachel Lomas, and/or Amber Lomas does not have to prove the exact amount of damages that will provide reasonable compensation for the harm. However, you must not speculate or guess in awarding damages.

CACI 3902. ECONOMIC AND NONECONOMIC DAMAGES

Requested by Plaintiff's Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

The damages claimed by Kathleen Machado, Rachel Lomas, and Amber Lomas for the harm caused by Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton fall into two categories called economic damages and non-economic damages. You will be asked on the verdict form to state the two categories of damages separately.

CACI 3903. ITEMS OF ECONOMIC DAMAGE

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>	_____ Judge			

Print date: 9/2003

The following are the specific items of economic damages claimed by Kathleen Machado, Rachel Lomas, and Amber Lomas:

1. Past Medical expenses;

2. Future medical expenses;

3. Past lost wages;

4. Future lost wages;

5. Diminished earning potential.

**CACI 3903A. MEDICAL EXPENSES--PAST AND FUTURE (ECONOMIC
DAMAGE)**

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>	_____ Judge			

Print date: 9/2003

1 Past and future medical expenses.

To recover damages for past medical expenses, Kathleen Machado, Rachel Lomas, and Amber Lomas must prove the reasonable cost of reasonably necessary medical care that they have received.

To recover damages for future medical expenses, Kathleen Machado, Rachel Lomas, and Amber Lomas must prove the reasonable cost of reasonably necessary medical care that they are reasonably certain to need in the future.

CACI 3903C. PAST AND FUTURE LOST EARNINGS (ECONOMIC DAMAGE)

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

2. Past and future lost earnings.

To recover damages for past lost earnings, Kathleen Machado must prove the amount of income that she has lost to date.

To recover damages for future lost earnings, Kathleen Machado, Rachel Lomas, and Amber Lomas must prove the amount of income they will be reasonably certain to lose in the future as a result of the injury.

CACI 3903D. LOST EARNING CAPACITY (ECONOMIC DAMAGE)

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>	_____ Judge			

Print date: 4/2004

3. The loss of Kathleen Machado, Rachel Lomas, and Amber Lomas's ability to earn money.

To recover damages for the loss of the ability to earn money, Kathleen Machado, Rachel Lomas, and Amber Lomas must prove the amount of money they would have been reasonably certain to earn if the injury had not occurred. It is not necessary that they have a work history.

CACI 3904. PRESENT CASH VALUE

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

If you decide that Kathleen Machado, Rachel Lomas, and Amber Lomas's harm includes future damages for loss of earnings, future medical expenses, and loss of earning potential, then the amount of those future damages must be reduced to their present cash value. This is necessary because money received now will, through investment, grow to a larger amount in the future.

To find present cash value, you must determine the amount of money that, if reasonably invested today, will provide Kathleen Machado, Rachel Lomas, and Amber Lomas with the amount of their future damages.

CACI 3905. ITEMS OF NONECONOMIC DAMAGE

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

The following are the specific items of noneconomic damages claimed by Kathleen Machado, Rachel Lomas, and Amber Lomas:

**CACI 3905A. PHYSICAL PAIN, MENTAL SUFFERING, AND EMOTIONAL
DISTRESS (NONECONOMIC DAMAGE)**

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

1. Past and future mental suffering, loss of enjoyment of life, inconvenience, grief, anxiety, humiliation, and emotional distress.

To recover for future mental suffering, loss of enjoyment of life, inconvenience, grief, anxiety, humiliation, and emotional distress., Kathleen Machado, Rachel Lomas, and Amber Lomas must prove that they is reasonably certain to suffer that harm.

No fixed standard exists for deciding the amount of these damages. You must use your judgment to decide a reasonable amount based on the evidence and your common sense.

Your award for noneconomic damages should not be reduced to present cash value.

CACI 3924. NO PUNITIVE DAMAGES

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

You must not include in your award any damages to punish or make an example of Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and the Diocese of Stockton. Such damages would be punitive damages, and they cannot be a part of your verdict. You must award only the damages that fairly compensate Kathleen Machado, Rachel Lomas, and Amber Lomas for their loss.

CACI 3925. ARGUMENTS OF COUNSEL NOT EVIDENCE OF DAMAGES

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

The arguments of the attorneys are not evidence of damages. Your award must be based on your reasoned judgment applied to the testimony of the witnesses and the other evidence that has been admitted during trial.

CACI 3928. UNUSUALLY SUSCEPTIBLE PLAINTIFF

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 9/2003

You must decide the full amount of money that will reasonably and fairly compensate Kathleen Machado, Rachel Lomas, and/or Amber Lomas for all damages caused by the wrongful conduct of Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton, even if Kathleen Machado, Rachel Lomas, and/or Amber Lomas was more susceptible to injury than a normally healthy person would have been, and even if a normally healthy person would not have suffered similar injury.

**CACI 3941. PUNITIVE DAMAGES--INDIVIDUAL DEFENDANT--BIFURCATED
TRIAL (FIRST PHASE)**

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 4/2004

If you decide that Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton's conduct caused Kathleen Machado, Rachel Lomas, and/or Amber Lomas harm, you must decide whether that conduct justifies an award of punitive damages. At this time, you must decide whether Kathleen Machado, Rachel Lomas, and Amber Lomas has proved by clear and convincing evidence that Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton engaged in that conduct with malice, oppression, or fraud. The amount of punitive damages, if any, will be decided later.

"Malice" means that Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton acted with intent to cause injury or that Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton's conduct was despicable and was done with a willful and knowing disregard of the rights or safety of another. A person acts with knowing disregard when he or she is aware of the probable dangerous consequences of his or her conduct and deliberately fails to avoid those consequences.

"Oppression" means that Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton's conduct was despicable and subjected Kathleen Machado, Rachel Lomas, and/or Amber Lomas to cruel and unjust hardship in knowing disregard of their rights.

"Despicable conduct" is conduct that is so vile, base, or contemptible that it would be looked down on and despised by reasonable people.

"Fraud" means that Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton intentionally misrepresented or concealed a material fact and did so intending to harm Kathleen Machado, Rachel Lomas, and/or Amber Lomas.

**CACI 3942. PUNITIVE DAMAGES--INDIVIDUAL DEFENDANT-- BIFURCATED
TRIAL (SECOND PHASE)**

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 10/2004

You must now decide the amount, if any, that you should award Kathleen Machado, Rachel Lomas, and/or Amber Lomas in punitive damages. The purposes of punitive damages are to punish a wrongdoer for the conduct that harmed the plaintiff and to discourage similar conduct in the future.

There is no fixed standard for determining the amount of punitive damages, and you are not required to award any punitive damages. If you decide to award punitive damages, you should consider all of the following in determining the amount:

(a) How reprehensible was Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton's conduct?

(b) Is there a reasonable relationship between the amount of punitive damages and Kathleen Machado, Rachel Lomas, and/or Amher Lomas's harm?

(c) In view of Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton's financial condition, what amount is necessary to punish them and discourage future wrongful conduct? You may not increase the punitive award above an amount that is otherwise appropriate merely because Fr. Joseph Illo, Fr. Francis Joseph, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton's has substantial financial resources.

CACI 5000. DUTIES OF THE JUDGE AND JURY

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 10/2004

Members of the jury, you have now heard all the evidence and the closing arguments of the attorneys. The attorneys will have one last chance to talk to you in closing argument. But before they do, it is my duty to instruct you on the law that applies to this case. You must follow these instructions as well as those that I previously gave you. You will have a copy of my instructions with you when you go to the jury room to deliberate. I have provided each of you with your own copy of the instructions. I will display each instruction on the screen.

You must decide what the facts are. You must consider all the evidence and then decide what you think happened. You must decide the facts based on the evidence admitted in this trial. Do not do any research on your own or as a group. Do not use dictionaries, the Internet, or other reference materials. Do not investigate the case or conduct any experiments. Do not contact anyone to assist you, such as a family accountant, doctor, or lawyer. Do not visit or view the scene of any event involved in this case. If you happen to pass by the scene, do not stop or investigate. All jurors must see or hear the same evidence at the same time. Do not read, listen to, or watch any news accounts of this trial. You must not let bias, sympathy, prejudice, or public opinion influence your decision.

I will now tell you the law that you must follow to reach your verdict. You must follow the law exactly as I give it to you, even if you disagree with it. If the attorneys have said anything different about what the law means, you must follow what I say.

In reaching your verdict, do not guess what I think your verdict should be from something I may have said or done.

Pay careful attention to all the instructions that I give you. All the instructions are important because together they state the law that you will use in this case. You must consider all of the instructions together.

After you have decided what the facts are, you may find that some instructions do not apply. In that case, follow the instructions that do apply and use them together with the facts to reach your verdict.

If I repeat any ideas or rules of law during my instructions, that does not mean that these ideas or rules are more important than the others are. In addition, the order of the instructions does not make any difference.

Most of the instructions are typed. However, some handwritten or typewritten words may have been added, and some words may have been deleted. Do not discuss or consider why words may have been added or deleted. Please treat all the words the same, no matter what their format. Simply accept the instruction in its final form.

CACI 5001. INSURANCE

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>				

Print date: 4/2004

You must not consider whether any of the parties in this case has insurance. The presence or absence of insurance is totally irrelevant. You must decide this case based only on the law and the evidence.

CACI 5002. EVIDENCE

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 4/2004

Sworn testimony, documents, or anything else may be admitted into evidence. You must decide what the facts are in this case from the evidence you have seen or heard during the trial. You may not consider as evidence anything that you saw or heard when court was not in session, even something done or said by one of the parties, attorneys, or witnesses.

What the attorneys say during the trial is not evidence. In their opening statements and closing arguments, the attorneys talk to you about the law and the evidence. What the lawyers say may help you understand the law and the evidence, but their statements and arguments are not evidence.

The attorneys' questions are not evidence. Only the witnesses' answers are evidence. You should not think that something is true just because an attorney's question suggested that it was true. However, the attorneys for both sides have agreed that certain facts are true. This agreement is called a stipulation. No other proof is needed and you must accept those facts as true in this trial.

Each side had the right to object to evidence offered by the other side. If I sustained an objection to a question, you must ignore the question. If the witness did not answer, you must not guess what he or she might have said or why I sustained the objection. If the witness already answered, you must ignore the answer.

During the trial I granted a motion to strike testimony that you heard. You must totally disregard that testimony. You must treat it as though it did not exist.

CACI 5003. WITNESSES

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 4/2004

A witness is a person who has knowledge related to this case. You will have to decide whether you believe each witness and how important each witness's testimony is to the case. You may believe all, part, or none of a witness's testimony.

In deciding whether to believe a witness's testimony, you may consider, among other factors, the following:

- (a) How well did the witness see, hear, or otherwise sense what he or she described in court?
- (b) How well did the witness remember and describe what happened?
- (c) How did the witness look, act, and speak while testifying?
- (d) Did the witness have any reason to say something that was not true? Did the witness show any bias or prejudice? Did the witness have a personal relationship with any of the parties involved in the case? Does the witness have a personal stake in how this case is decided?
- (e) What was the witness's attitude toward this case or about giving testimony?

Sometimes a witness may say something that is not consistent with something else he or she said. Sometimes different witnesses will give different versions of what happened. People often forget things or make mistakes in what they remember. Also, two people may see the same event but remember it differently. You may consider these differences, but do not decide that testimony is untrue just because it differs from other testimony.

However, if you decide that a witness deliberately testified untruthfully about something important, you may choose not to believe anything that witness said. On the other hand, if you think

the witness testified untruthfully about some things but told the truth about others, you may accept the part you think is true and ignore the rest.

Do not make any decision simply because there were more witnesses on one side than on the other. If you believe it is true, the testimony of a single witness is enough to prove a fact.

You must not be biased against any witness because of his or her race, sex, religion, occupation, sexual orientation, or national origin or ___(insert any other impermissible form of bias)___.

CACI 5005. MULTIPLE PARTIES

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>				

Print date: 4/2004

There are 3 plaintiffs in this trial. You should decide the case of each plaintiff separately as if it were a separate lawsuit. Each plaintiff is entitled to separate consideration of his or her own claim(s). Unless I tell you otherwise, all instructions apply to each plaintiff.

There are 4 defendants in this trial. You should decide the case against each defendant separately as if it were a separate lawsuit. Each defendant is entitled to separate consideration of his or her own defenses. Unless I tell you otherwise, all instructions apply to each defendant.

CACI 5006. NON-PERSON PARTY

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>				

Print date: 4/2004

A corporation is a party in this lawsuit. The Diocese of Stockton is entitled to the same fair and impartial treatment that you would give to an individual. You must decide this case with the same fairness that you would use if you were deciding the case between individuals.

When I use words like "person" or "he" or "she" in these instructions to refer to a party, these instructions also apply to the Diocese of Stockton.

CACI 5009. PREDELIBERATION INSTRUCTIONS

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 10/2004

When you go to the jury room, the first thing you should do is choose a presiding juror. The presiding juror should see to it that your discussions are orderly and that everyone has a fair chance to be heard.

It is your duty to talk with one another in the jury room and to consider the views of all the jurors. Each of you must decide the case for yourself, but only after you have considered the evidence with the other members of the jury. Feel free to change your mind if you are convinced that your position should be different. You should all try to agree. But do not give up your honest beliefs just because the others think differently.

Please do not state your opinions too strongly at the beginning of your deliberations. Also, do not immediately announce how you plan to vote. Keep an open mind so that you and your fellow jurors can easily share ideas about the case.

You should use your common sense, but do not use or consider any special training or unique personal experience that any of you have in matters involved in this case. Such training or experience is not a part of the evidence received in this case.

Sometimes jurors disagree or have questions about the evidence or about what the witnesses said in their testimony. If that happens, you may ask to have testimony read back to you or ask to see any exhibits admitted into evidence that have not already been provided to you. Also, jurors may need further explanation about the laws that apply to the case. If this happens during your discussions, write down your questions and give them to the clerk or bailiff. I will do my best to answer them. When you write me a note, do not tell me how you voted on an issue until I ask for

this information in open court.

At least nine jurors must agree on each verdict and on each question that you are asked to answer. However, the same jurors do not have to agree on each verdict or each question. Any nine jurors is sufficient. As soon as you have agreed on a verdict and answered all the questions as instructed, the presiding juror must date and sign the form(s) and notify the clerk or the bailiff.

Your decision must be based on your personal evaluation of the evidence presented in the case. Each of you may be asked in open court how you voted on each question.

While I know you would not do this, I am required to advise you that you must not base your decision on chance, such as a flip of a coin. If you decide to award damages, you may not agree in advance to simply add up the amounts each juror thinks is right and then make the average your verdict. You may take breaks, but do not discuss this case with anyone, including each other, until all of you are back in the jury room.

CACI 5010. TAKING NOTES DURING THE TRIAL

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 4/2004

If you have taken notes during the trial you will now be allowed to take your notebooks with you into the jury room.

You may use your notes only to help you remember what happened during the trial. Your independent recollection of the evidence should govern your verdict and you should not allow yourself to be influenced by the notes of other jurors if those notes differ from what you remember.

The court reporter made a record of everything that was said. If during deliberations you have a question about what the witness said, you may ask in writing for the testimony to be read to you. You must accept the court reporter's record as accurate.

CACI 5011. READING BACK OF TRIAL TESTIMONY IN JURY ROOM

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>	Judge _____			

Print date: 4/2004

You may request in writing that trial testimony be read to you. I will have the court reporter read the testimony to you in the jury room. You may request that all or a part of a witness's testimony be read. There is no written transcript of the testimony, only the court reporter's record.

Reading testimony takes as long as it took for the testimony to be presented in court. Your request should be as specific as possible. It will be helpful if you can state:

1. The name of the witness;
2. The subject of the testimony you would like to have read; and
3. The name of the attorney or attorneys asking the questions when the testimony was given.

The court reporter is not permitted to talk with you when she or he is reading the testimony you have requested.

While the court reporter is in the jury room, you may not deliberate or discuss the case. You must conduct yourself as if the testimony were being presented in court and you were seated in the jury box.

You may not ask the court reporter to read testimony that was not specifically mentioned in a written request.

CACI 5012. INTRODUCTION TO SPECIAL VERDICT FORM

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>				
Withdrawn	<input type="checkbox"/>				

Print date: 4/2004

I will give you a verdict forms with questions you must answer. I have already instructed you on the law that you are to use in answering these questions. You must follow my instructions and the forms carefully. You must consider each question separately. Please answer the questions in the order they appear. After you answer a question, the form tells you what to do next. At least nine of you must agree on an answer before you can move on to the next question. However, the same nine or more people do not have to agree on each answer.

When you are finished filling out the forms, your presiding juror must write the date and sign it at the bottom. Return the forms to me the bailiff the clerk when you have finished.

BAJI 7.56. SEXUAL BATTERY (CIV. CODE, § 1708.5)

Requested by Plaintiffs Kathleen Machado et al.	<input checked="" type="checkbox"/>	Requested by Defendant	<input type="checkbox"/>	Requested by	<input type="checkbox"/>
Given as Requested	<input type="checkbox"/>	Given as Modified	<input checked="" type="checkbox"/>	Given on Court's Motion	<input type="checkbox"/>
Refused	<input type="checkbox"/>	_____ Judge			
Withdrawn	<input type="checkbox"/>				

Print date: 3/2002

The plaintiffs Rachel Lomas, and Amber Lomas also seek to recover damages based upon a claim of sexual battery.

The essential elements of a claim for sexual battery are:

1. Defendant Father Francis Joseph did an act that results directly or indirectly in a sexually offensive contact with the plaintiff's person;
 2. Defendant Father Francis Joseph did so with the intent to cause a harmful or offensive contact with an intimate part of another or to cause plaintiffs an imminent apprehension of a harmful or offensive contact with plaintiffs' intimate part;
 3. Plaintiffs did not consent to the harmful or offensive contact; and
 4. The harmful or offensive contact caused plaintiffs to suffer injury, damage, loss, or harm.
- "Intimate part" means the groin or the breast of a female.
- "Offensive contact" means contact that offends a reasonable sense of personal dignity.

DISPOSITION TABLE

Case Name: Machado, et al. v. Ilo, et al.

Case Number: CV 018440

Date: 2/22/2005

Instruction / Special Verdict #	Requested By				Given as		Ref- used	Wth- drwn.	Print Date
	Pltf.	Dfdt.	Crt.	Oth.	Name(s)	Req.			
CACI 100	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas				10/2004
CACI 101	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X		9/2003
CACI 102	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas				9/2003
CACI 103	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X		9/2003
CACI 104	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X		9/2003
CACI 105	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas				9/2003
CACI 106	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas				9/2003
CACI 107	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X		4/2004
CACI 200	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas				9/2003
CACI 201	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas				10/2004

DISPOSITION TABLE

Case Name: Machado, et al. v. Ilio, et al.

Case Number: CV 018440

Date: 2/22/2005

Instruction / Special Verdict #	Requested By				Given as		Ref- used	With- drwn.	Print Date
	Pltf.	Dfdt.	Crt.	Oth.	Name(s)	Req.			
CACI 202	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		×		9/2003
CACI 203	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas				9/2003
CACI 204	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas				10/2004
CACI 205	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas				9/2003
CACI 206	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas				9/2003
CACI 207	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		×		9/2003
CACI 208	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas				9/2003
CACI 209	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas				9/2003
CACI 210	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		×		9/2003
CACI 212	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas				9/2003

DISPOSITION TABLE

Case Name: Machado, et al. v. Illo, et al.

Case Number: CV 018440

Date: 2/22/2005

Instruction / Special Verdict #	Requested By				Name(s)	Given as		Ref- used	Wth- drwn	Print Date
	Pltf.	Dfdt.	Crt.	Oth.		Req.	Mod			
CACI 215	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X			9/2003
CACI 216	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X			9/2003
CACI 219	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas					9/2003
CACI 220	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas					9/2003
CACI 400	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X			9/2003
CACI 401	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X			9/2003
CACI 402	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X			9/2003
CACI VF-402	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas					9/2003
CACI 406	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X			9/2003
CACI 411	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X			9/2003

DISPOSITION TABLE

Case Name: Machado, et al. v. Illo, et al.

Case Number: CV 018440

Date: 2/22/2005

Instruction / Special Verdict #	Requested By				Given as		Ref- used	Wth- drwn.	Print Date
	Pltf.	Dfct.	Crt.	Oth.	Name(s)	Req.			
CACI 412	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas				9/2003
CACI 413	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		×		9/2003
CACI 418	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		×		9/2003
CACI 430	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas				10/2004
CACI 431	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		×		9/2003
CACI 434	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		×		9/2003
CACI 1300	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		×		10/2004
CACI VF-1300	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas				10/2004
CACI 1302	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas				9/2003
CACI 1303	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		×		9/2003

DISPOSITION TABLE

Case Name: Machado, et al. v. Ilo, et al.

Case Number: CV 018440

Date: 2/22/2005

Instruction / Special Verdict #	Requested By				Given as		Ref- used	Wth- drwn.	Print Date
	Pltf.	Dfdt.	Crt.	Oth.	Name(s)	Req.			
CACI 1320	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X		9/2003
CACI 1600	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X		9/2003
CACI VF-1600	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas				9/2003
CACI 1602	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X		9/2003
CACI 1603	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X		9/2003
CACI VF-1603	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas				9/2003
CACI 1604	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X		9/2003
CACI 1620	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X		9/2003
CACI 1704	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X		9/2003
CACI VF-1704	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas				9/2003

DISPOSITION TABLE

Case Name: Machado, et al. v. Ilo, et al.

Case Number: CV 018440

Date: 2/22/2005

Instruction / Special Verdict #	Requested By				Name(s)	Given as		Ref- used	With- drwn.	Print Date
	Pltf.	Dfdt.	Crt.	Oth.		Req.	Mod.			
CACI 1706	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		×			9/2003
CACI 1707	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		×			9/2003
CACI 3600	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		×			9/2003
CACI 3601	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		×			9/2003
CACI 3700	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		×			9/2003
CACI VF-3700	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas					9/2003
CACI 3703	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		×			9/2003
CACI 3710	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		×			9/2003
CACI 3720	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		×			9/2003
CACI 3722	×				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		×			9/2003

DISPOSITION TABLE

Case Name: Machado, et al. v. Ilo, et al.

Case Number: CV 018440

Date: 2/22/2005

Instruction / Special Verdict #	Requested By				Name(s)	Given as		Ref- used	With- drwn.	Print Date
	Pltf.	Dfdt.	Crt.	Oth.		Req.	Mod.			
CACI 3900	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X			9/2003
CACI 3902	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X			9/2003
CACI 3903	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X			9/2003
CACI 3903A	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X			9/2003
CACI 3903C	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X			9/2003
CACI 3903D	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X			4/2004
CACI 3904	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X			9/2003
CACI 3905	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X			9/2003
CACI 3905A	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X			9/2003
CACI 3924	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X			9/2003

DISPOSITION TABLE

Case Name: Machado, et al. v. Illo, et al.

Case Number: CV 018440

Date: 2/22/2005

Instruction / Special Verdict #	Requested By					Given as		Ref- used	Wth- drwn.	Print Date
	Pltf.	Dfdt.	Crt.	Oth.	Name(s)	Req.	Mod.			
CACI 3925	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas					9/2003
CACI 3928	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X			9/2003
CACI 3941	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X			4/2004
CACI 3942	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X			10/2004
CACI 5000	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X			10/2004
CACI 5001	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X			4/2004
CACI 5002	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas					4/2004
CACI 5003	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas					4/2004
CACI 5005	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X			4/2004
CACI 5006	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X			4/2004

DISPOSITION TABLE

Case Name: Machado, et al. v. Illo, et al.

Case Number: CV 018440

Date: 2/22/2005

Instruction / Special Verdict #	Requested By				Name(s)	Given as		Ref- used	With- drwn.	Print Date
	Pltf	Dfdt	Crt.	Oth.		Req.	Mod.			
CACI 5009	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas					10/2004
CACI 5010	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas					4/2004
CACI 5011	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas					4/2004
CACI 5012	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas					4/2004
BAJI 7.56	X				Plaintiffs Kathleen Machado, Rachel Lomas, and Amber Lomas		X			3/2002

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3 Falmouth, Massachusetts 02540
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7
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9 Attorneys for Plaintiffs

11 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF SAN JOAQUIN**

14 KATHLEEN MACHADO, individually and
in her capacity as Guardian ad Litem for
15 RACHEL LOMAS and AMBER LOMAS,
Plaintiffs,
16 v.
17 FATHER JOSEPH ILLO; FATHER FRANCIS
JOSEPH a.k.a. FATHER FRANCIS ARAKAL;
18 FATHER RICHARD RYAN; BISHOP STEVEN
BLAIRE; THE DIOCESE OF STOCKTON;
19 DOES 1 through 100,
Defendants.
20

No. CV 018440

PLAINTIFFS' WITNESS LIST

Trial Date: 22 February 2005
Dept.: 41
Judge: Hon. Elizabeth Humphreys

21 Plaintiffs Kathleen Machado, Rachel Lomas and Amber Lomas may call the following
22 witnesses, exclusive of rebuttal or impeachment witnesses, in this matter:

- 23 1. Eva Mae Kristman
- 24 2. Elaine Shields
- 25 3. Rosario Hernandez
- 26 4. Owen Kummerle
- 27 5. Mary Mullins
- 28 6. Deanna Watson

cs
Filed FEB 22 2005
ROSA JUTICUEIRO, CLERK
By Charlene Gray
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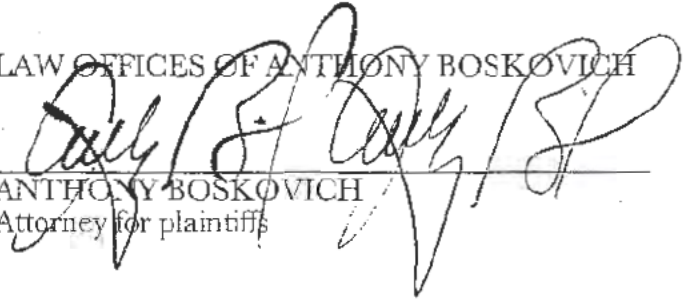
- 1 7. Jacqueline Tucker
- 2 8. Yvonne McLoughlin
- 3 9. Nate Baker
- 4 10. Rose Wyeth
- 5 11. Detective Don Bali
- 6 12. Diane Stephens, MFCC
- 7 13. Norman Schmidt, M.D.
- 8 14. Sonnee Weedn, Ph.D.
- 9 15. Fr. Thomas Patrick Michael Doyle
- 10 16. Richard Sipe
- 11 17. Kathleen Machado
- 12 18. Amber Lomas
- 13 19. Rachel Lomas
- 14 20. Father Joseph Illo
- 15 21. Father Francis Joseph Arakal
- 16 22. Bishop Steven Blaire
- 17 23. Monsignor Richard Ryan
- 18 24. Sr. Barbara Thielen
- 19 25. Fr. Harmon Skillen
- 20 26. Jose Munoz, Jr.
- 21 27. Trish Ware
- 22 28. Sherlan Whatcott
- 23 29. Vladimir Kozina
- 24 30. "Patty" - a parishioner at St. Joseph's in Modesto
- 25 31. Jose Munoz, Sr.
- 26 32. Louise Crabtree
- 27 33. Neil Wancewicz
- 28 34. Kim Fuentes-anderson

Law Offices of Anthony Boskovich 28 North First Street, 6th Floor, San Jose, CA 95113 (408) 286-5150

- 1 35. David Q. Olivares
- 2 36. Pamela Sauer
- 3 37. Stephanie Yacoub
- 4 38. Kristin Ware
- 5 39. Katie Watson
- 6 40. Brandon Ware
- 7 41. Mary Piper
- 8 42. Barbara Guzman
- 9 43. Michael Jones

11 Date: February 15, 2005

LAW OFFICES OF ANTHONY BOSKOVICH



ANTHONY BOSKOVICH
Attorney for plaintiffs