

**UNITED STATES DISTRICT COURT**

**DISTRICT OF ARIZONA**

|                                     |   |                                 |
|-------------------------------------|---|---------------------------------|
|                                     | ) |                                 |
| Caesar Otioti, David Abirigo, and   | ) |                                 |
| Rita Gale,                          | ) |                                 |
|                                     | ) | <b>AMENDED</b>                  |
| Plaintiffs,                         | ) | <b>JUDGMENT IN A CIVIL CASE</b> |
|                                     | ) |                                 |
| vs.                                 | ) | CIV 07-0443-PHX-SRB             |
|                                     | ) |                                 |
| State of Arizona, Roger Vanderpool, | ) |                                 |
| Travis Palmer, Valerie Vanderpool,  | ) |                                 |
| Jane Doe Palmer, JohnDoes I-X,      | ) |                                 |
| Black Corporations I-V,             | ) |                                 |
|                                     | ) |                                 |
| Defendants,                         | ) |                                 |
| <hr/>                               | ) |                                 |

XX **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

IT IS ORDERED AND ADJUDGED that Judgment is hereby entered as follows:

on Plaintiff Estate of Joseph Moi's claim of excessive force in the use of the TASER on Joseph Moi, in favor of Defendant Travis Palmer;

on Plaintiff Estate of Joseph Moi's claim of excessive force in firing the first or second shot at Joseph Moi, in favor of Defendant Travis Palmer;

on Plaintiff Estate of Joseph Moi's claim of excessive force in firing the third fatal shot at Joseph Moi, in favor of Plaintiff Estate of Joseph Moi and award funeral and burial expenses of \$25,000.00 and award punitive damages of \$0.00;

on Plaintiff David Abirigo and Rita Gale's claim of the wrongful killing of Joseph Moi, in favor of Plaintiff David Abirigo and award the full amount of compensatory damages of \$50,000.00 and in favor of Plaintiff Rita Gale and award the full amount of compensatory damages of \$50,000.00 and funeral and burial expenses of \$0.00;

on Plaintiff David Abirigo and Rita Gale's constitutional claim of loss of companionship and society of their child, in favor of Defendant Travis Palmer;  
on Plaintiff David Abirigo and Rita Gale's claim of violations by Defendant State of Arizona under the American with Disabilities Act, in favor of Defendant State of Arizona.

Also, in accordance with this Court's order entered in open Court on June 17, 2008, summary judgment is granted in favor of Defendants Roger Vanderpool and Valerie Vanderpool dismissing them from this case. Plaintiffs claims against the State of Arizona under the Arizona Civil Rights Act are dismissed. Plaintiffs claims against Defendant Travis Palmer under Title II of the Americans With Disabilities Act and the Rehabilitation Act are dismissed.

May 22, 2009  
Date

RICHARD H. WEARE  
District Court Executive/Clerk

cc: all counsel

s/ Ruth E. Williams  
By Ruth E. Williams, Deputy Clerk