

have called them, and all exhibits received in evidence, regardless of who may have produced them.

This case is divided into two parts, and in this part of the trial, the amount of damages is not an issue that you will decide. As such, the Plaintiff need not prove the extent of the injuries or damages at this time, although Plaintiff is required in this phase to prove the existence of damages in order to meet his burden of proof.

III. Issues in the Case

The Utopia Civil Code allows an individual to seek damages from any person who, under color of law, deprives that individual of any rights protected by the constitution or laws of the United States. Plaintiff claims that Gabriel Torres was injured when the Defendants' employee, Max Carter, applied excessive force on Gabriel Torres, thereby violating Gabriel Torres's rights to life and liberty without due process of law in violation of the Fourteenth Amendment to the U.S. Constitution.

The issues for you to decide, in accordance with the law as I give it to you, are:

1. Whether Max Carter was acting under color of law when Carter applied force against Gabriel Torres on October 13, 2015.
2. Whether Carter's actions caused any injury to Gabriel Torres, and, if so, whether Carter applied excessive force against Gabriel Torres, thereby depriving him of his right to due process.
3. Whether any injury to Gabriel Torres was caused by a policy, practice, or custom of the Arcadia Police Department to inadequately supervise and discipline law enforcement officers who use excessive force.

A. Color of Law

In deciding whether Max Carter was acting under color of law, I instruct you as follows:

State or local officials act under color of law when they act within the limit of their lawful authority. Officials also act under color of law when they act beyond the bounds of their lawful authority while the officials are purporting or pretending to act in the performance of their official duties.

Officials may also act under color of law when they are acting as agents of the State. An employer such as the Arcadia Police Department is liable for the acts or omissions of its employees, including police officers, if those acts or omissions occur within the scope of their employment and cause injury to another person.