

**FILED**  
CLERK, U.S. DISTRICT COURT  
OCT 21, 2022  
CENTRAL DISTRICT OF CALIFORNIA  
BY: \_\_\_\_\_ JP DEPUTY

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION**

<p><b>KEVIN MICHAEL BROPHY, JR.,</b></p> <p style="text-align: center;"><b>Plaintiff,</b></p> <p style="text-align: center;"><b>v.</b></p> <p><b>BELCALIS ALMANZAR aka CARDI B; KSR GROUP, LLC; WASHPOPPIN, INC.; and DOES 1–20,</b></p> <p style="text-align: center;"><b>Defendants.</b></p>	<p style="font-size: 3em;">}</p> <p><b>Case No.: SACV 17-01885-CJC (JPRx)</b></p> <p style="font-size: 3em;">}</p> <p><b>JURY INSTRUCTIONS</b></p> <p style="font-size: 3em;">}</p>
--	---

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**COURT’S INSTRUCTION NO. 1**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Members of the Jury: Now that you have heard all of the evidence, it is my duty to instruct you on the law that applies to this case.

Each of you have received a copy of these instructions that you may take with you to the jury room to consult during your deliberations.

It is your duty to find the facts from all the evidence in the case. To those facts you will apply the law as I give it to you. You must follow the law as I give it to you whether you agree with it or not. And you must not be influenced by any personal likes or dislikes, opinions, prejudices, or sympathy. That means that you must decide the case solely on the evidence before you. You will recall that you took an oath to do so.

Please do not read into these instructions or anything that I may say or do or have said or done that I have an opinion regarding the evidence or what your verdict should be.

**COURT’S INSTRUCTION NO. 2**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

When a party has the burden of proving any claim or affirmative defense by a preponderance of the evidence, it means you must be persuaded by the evidence that the claim or affirmative defense is more probably true than not true.

You should base your decision on all of the evidence, regardless of which party presented it.

**COURT’S INSTRUCTION NO. 3**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

When a party has the burden of proving any claim by clear and convincing evidence, it means that the party must present evidence that leaves you with a firm belief or conviction that it is highly probable that the factual contentions of the claim are true. This is a higher standard of proof than proof by a preponderance of the evidence, but it does not require proof beyond a reasonable doubt.

**COURT’S INSTRUCTION NO. 4**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

You should decide the case as to each defendant separately. Unless otherwise stated, the instructions apply to all parties.

**COURT’S INSTRUCTION NO. 5**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

In reaching a verdict on liability and damages, you may not consider the wealth or poverty of any party. The parties’ wealth or poverty is not relevant to any of the issues you must decide.

**COURT’S INSTRUCTION NO. 6**

The evidence you are to consider in deciding what the facts are consists of:

1. The sworn testimony of any witness;
2. The exhibits that are admitted into evidence;
3. Any facts to which the lawyers have agreed; and
4. Any facts that I may instruct you to accept as proved.

**COURT’S INSTRUCTION NO. 7**

In reaching your verdict, you may consider only the testimony and exhibits received into evidence, any agreed upon facts, and any facts that I may instruct you to accept as proved. Certain things are not evidence, and you may not consider them in deciding what the facts are. I will list them for you:

1. Arguments and statements by lawyers are not evidence. The lawyers are not witnesses. What they have said in their opening statements, will say in closing arguments, and at other times is intended to help you interpret the evidence, but it is not evidence. If the facts as you remember them differ from the way the lawyers have stated them, your memory of them controls.
2. Questions and objections by lawyers are not evidence. Attorneys have a duty to their clients to object when they believe a question is improper under the rules of evidence. You should not be influenced by the objection or by the court’s ruling on it.
3. Testimony that is excluded or stricken, or that you have been instructed to disregard, is not evidence and must not be considered.
4. Anything you have seen or heard when the court was not in session is not evidence. You are to decide the case solely on the evidence received at the trial.



**COURT’S INSTRUCTION NO. 8**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Evidence may be direct or circumstantial. Direct evidence is direct proof of a fact, such as testimony by a witness about what that witness personally saw or heard or did. Circumstantial evidence is proof of one or more facts from which you could find another fact. You should consider both kinds of evidence. The law makes no distinction between the weight to be given to either direct or circumstantial evidence. It is for you to decide how much weight to give to any evidence.

**COURT’S INSTRUCTION NO. 9**

In deciding the facts in this case, you may have to decide which testimony to believe and which testimony not to believe. You may believe everything a witness says, or part of it, or none of it.

In considering the testimony of any witness, you may take into account:

1. The opportunity and ability of the witness to see or hear or know the things testified to;
2. The witness’s memory;
3. The witness’s manner while testifying;
4. The witness’s interest in the outcome of the case, if any;
5. The witness’s bias or prejudice, if any;
6. Whether other evidence contradicted the witness’s testimony;
7. The reasonableness of the witness’s testimony in light of all the evidence; and
8. Any other factors that bear on believability.

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

1 happened. People often forget things or make mistakes in what they remember. Also,  
2 two people may see the same event but remember it differently. You may consider these  
3 differences, but do not decide that testimony is untrue just because it differs from other  
4 testimony.

5  
6 However, if you decide that a witness has deliberately testified untruthfully about  
7 something important, you may choose not to believe anything that witness said. On the  
8 other hand, if you think the witness testified untruthfully about some things but told the  
9 truth about others, you may accept the part you think is true and ignore the rest.

10  
11 The weight of the evidence as to a fact does not necessarily depend on the number  
12 of witnesses who testify. What is important is how believable the witnesses were, and  
13 how much weight you think their testimony deserves.

**COURT’S INSTRUCTION NO. 10**

The parties have agreed to certain facts. You must therefore treat these facts as having been proved.

1. Plaintiff Kevin Michael Brophy, Jr. is an individual, domiciled in Costa Mesa, California.
2. Defendant Belcalis Almanzar is professionally known as “Cardi B.”
3. Defendant Washpoppin, Inc. is a New York corporation.
4. Defendant Almanzar is the principal of Defendant Washpoppin, Inc.
5. Defendant KSR Group, LLC is a New York limited liability company with its principal place of business in New York, New York.
6. Klenord Shaft Raphael is the principal of Defendant KSR Group, LLC.
7. A mixtape (or collection) of musical sound recordings by Cardi B, entitled *Gangsta Bitch Music, Vol. I*, was first published on or about March 7, 2016.

*Continued on the next page.*

1 8. The mixtape cover for *Gangsta Bitch Music, Vol. 1* appears as follows:  
2  
3



**COURT’S INSTRUCTION NO. 11**

1  
2  
3 A deposition is the sworn testimony of a witness taken before trial. The witness is  
4 placed under oath to tell the truth and lawyers for each party may ask questions. The  
5 questions and answers are recorded, and the deposition of that person may be used at the  
6 trial. Insofar as possible, you should consider deposition testimony in the same way as if  
7 the witness were testifying in court.  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**COURT’S INSTRUCTION NO. 12**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Under the law, any corporation or limited liability company is considered to be a person. It can only act through its employees, agents, directors, members, or officers. Therefore, corporations and limited liability companies are responsible for the acts of their respective employees, agents, directors, members, and officers performed within the scope of authority.

**COURT’S INSTRUCTION NO. 13**

An agent is a person who performs services for another person under an express or implied agreement and who is subject to the other’s control over or right to control the manner and means of performing the services. The other person is called a principal.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



**COURT’S INSTRUCTION NO. 14**

1  
2  
3 An agent is acting within the scope of authority if the agent is engaged in the  
4 performance of duties which were expressly or impliedly assigned to the agent by the  
5 principal.  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**COURT’S INSTRUCTION NO. 15**

Any act or omission of an agent within the scope of authority is the act or omission of the principal.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**COURT’S INSTRUCTION NO. 16**

1  
2  
3 Plaintiff Kevin Michael Brophy Jr. (who I will now refer to as “Mr. Brophy”)  
4 brings claims for violations of his right to privacy. A person’s right to privacy can be  
5 violated in more than one way. Mr. Brophy claims that his right to privacy was violated  
6 under three legal theories: (1) misappropriation of likeness, (2) use of likeness in  
7 violation of California Civil Code section 3344; and (3) false light. I will now instruct  
8 you as to each of these claims.  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**COURT’S INSTRUCTION NO. 17**

Mr. Brophy claims that Defendants Belcalis Almanzar (who I will now refer to as “Cardi B”), Washoppin, Inc. (who I will now refer to as “Washoppin”), and KSR Group, LLC (who I will now refer to as “KSR”) misappropriated his likeness. To establish this claim, Mr. Brophy must prove all of the following:

1. That Cardi B, Washoppin, and/or KSR used Mr. Brophy’s likeness or identity;
2. That Mr. Brophy did not consent to this use;
3. That Cardi B, Washoppin, and/or KSR gained a commercial benefit or some other advantage by using Mr. Brophy’s likeness or identity;
4. That Mr. Brophy was harmed; and
5. That Cardi B’s, Washoppin’s, and/or KSR’s conduct was a substantial factor in causing Mr. Brophy’s harm.

**COURT’S INSTRUCTION NO. 18**

Mr. Brophy also claims that Cardi B, Washpoppin, and KSR violated California Civil Code section 3344 (use of likeness). To establish this claim, Mr. Brophy must prove all of the following:

1. That Cardi B, Washpoppin, and/or KSR knowingly used Mr. Brophy’s likeness to advertise or sell Cardi B’s mixtape *Gangsta Bitch Music, Vol. 1*;
2. That the use did not occur in connection with a news, public affairs, or sports broadcast or account, or with a political campaign;
3. That Cardi B, Washpoppin, and/or KSR did not have Mr. Brophy’s consent to use his likeness;
4. That Cardi B’s, Washpoppin’s, and/or KSR’s use of Mr. Brophy’s likeness was directly connected to Cardi B’s, Washpoppin’s, and/or KSR’s commercial purpose;
5. That Mr. Brophy was harmed; and
6. That Cardi B’s, Washpoppin’s, and/or KSR’s conduct was a substantial factor in causing Mr. Brophy’s harm.

**COURT’S INSTRUCTION NO. 19**

Mr. Brophy also claims that Cardi B, Washpoppin, and KSR portrayed him in a false light. To establish this claim, Mr. Brophy must prove all of the following:

1. That Cardi B, Washpoppin, and/or KSR publicly disclosed information or material that showed Mr. Brophy in a false light;
2. That the false light created by the disclosure would be highly offensive to a reasonable person in Mr. Brophy’s position;
3. That Cardi B, Washpoppin, and/or KSR were negligent in determining the truth of the information or whether a false impression would be created by its disclosure;
4. That Mr. Brophy was harmed; and
5. That Cardi B’s, Washpoppin’s, and/or KSR’s conduct was a substantial factor in causing Mr. Brophy’s harm.

**COURT’S INSTRUCTION NO. 20**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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 that person 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 Cardi B’s, Washpoppin’s, and/or KSR’s situation.

**COURT’S INSTRUCTION NO. 21**

1  
2  
3 A person’s conduct may combine with another factor to cause harm. If you find  
4 that Cardi B’s, Washpoppin’s, and/or KSR’s conduct was a substantial factor in causing  
5 Mr. Brophy’s harm, then Cardi B, Washpoppin, and/or KSR was responsible for the  
6 harm. Cardi B, Washpoppin, and/or KSR cannot avoid responsibility just because some  
7 other person, condition, or event was also a substantial factor in causing Mr. Brophy’s  
8 harm.



**COURT’S INTSTRUCTION NO. 22**

1  
2  
3       Cardi B, Washpoppin, and KSR claim that they have not violated Mr. Brophy’s  
4 right of privacy by misappropriating his likeness or using his likeness because the  
5 mixtape cover of *Gangsta Bitch Music, Vol. 1* is protected by the First Amendment’s  
6 guarantee of freedom of speech and expression. This is called the “transformative use”  
7 defense and it only applies to Mr. Brophy’s claims for misappropriation of his likeness  
8 and use of his likeness in violation of California Civil Code section 3344. To succeed,  
9 Defendants must prove that the depiction of Mr. Brophy’s likeness on the mixtape cover  
10 adds something new to Mr. Brophy’s likeness, giving the likeness a new expression,  
11 meaning, or message.

12  
13       If you find that Cardi B, Washpoppin, and/or KSR proved their transformative use  
14 defense, then each Defendant that proved the defense is not liable for Mr. Brophy’s  
15 misappropriation claim and his use of likeness claim in violation of California Civil Code  
16 section 3344.

**COURT’S INSTRUCTION NO. 23**

1  
2  
3 I will now instruct you on damages. If you find that Mr. Brophy has proved any of  
4 his claims by a preponderance of the evidence and that Defendants do not have an  
5 applicable defense to such claims, he is entitled to certain damages depending on which  
6 claims he has proved.

7  
8 For all three of Mr. Brophy’s claims, he is entitled to non-economic damages.  
9 Non-economic damages include damages for emotional distress, mental suffering,  
10 humiliation, anxiety, harm to reputation, and loss of standing in his community.

11  
12 Mr. Brophy may also recover economic damages for his use of likeness claim in  
13 violation of California Civil Code section 3344. For Mr. Brophy’s use of likeness claim  
14 in violation of California Civil Code section 3344, he is also entitled to recover profits  
15 Defendants earned that are attributable to the use of his image, in addition to the non-  
16 economic damages described above.

17  
18 However, each item of damages may be awarded only once, regardless of the  
19 number of legal theories alleged. For example, if you find that Mr. Brophy has proved all  
20 three of his claims, you only may award non-economic damages for his emotional  
21 distress, humiliation, anxiety, mental suffering, and harm to reputation once. Otherwise,  
22 Mr. Brophy would impermissibly recover twice for the same harms. This is known as a  
23 “double recovery” and the law does not allow for it.

24  
25 I will now instruct you on each category of damages that is recoverable for each  
26 claim.

**COURT’S INSTRUCTION NO. 24**

If you decide that Mr. Brophy has proved any of his three claims against Cardi B, Washpoppin, and/or KSR, you must decide how much money will reasonably compensate Mr. Brophy for his non-economic damages.

Mr. Brophy must prove the amount of his non-economic damages. However, Mr. Brophy does not have to prove the exact amount of damages that will provide reasonable compensation for the harm. You must not speculate or guess in awarding damages.

The following are the specific items of non-economic damages Mr. Brophy seeks for all three claims:

1. Both past and future mental suffering, anxiety, humiliation, and emotional distress; and
2. Harm to reputation and loss of standing in the community.

No fixed standard exists for deciding the amount of damages for mental suffering, anxiety, humiliation, emotional distress, or harm to reputation and loss of standing in the community. You must use your judgment to decide a reasonable amount based on the evidence and your common sense.

To recover for *future* mental suffering, anxiety, humiliation, or emotional distress, Mr. Brophy must prove that he is reasonably certain to suffer that harm.

**COURT’S INSTRUCTION NO. 25**

If you decide that Mr. Brophy has proved his use of likeness claim under California Civil Code section 3344 against Cardi B, Washpoppin, and/or KSR, Mr. Brophy may recover any profits that Cardi B, Washpoppin, and/or KSR received from the use of Mr. Brophy’s likeness that have not already been taken into account with regard to the damages you award for emotional distress, anxiety, humiliation, mental suffering, and harm to reputation described in Court’s Instruction No. 24. To establish the amount of these profits you must:

1. Determine the gross, or total, revenue that Cardi B, Washpoppin, and/or KSR received that is attributable to the use of Mr. Brophy’s likeness;
2. Determine the expenses that Cardi B, Washpoppin, and/or KSR had in obtaining the gross revenue; and
3. Reduce Cardi B’s, Washpoppin’s, and/or KSR’s expenses from the gross revenue.

Mr. Brophy must prove the amount of gross revenue and Cardi B, Washpoppin, and/or KSR must prove the amount of expenses.

With respect to the first element, the word “attributable” means caused by or results from.

With respect to the second and third elements, you may include as expenses any taxes that Cardi B, Washpoppin, and/or KSR paid on the gross revenues as long as you find that the use of Mr. Brophy’s likeness was not willful. A defendant’s use of a

1 plaintiff's likeness is willful if the plaintiff proves by a preponderance of the evidence  
2 that the defendant knew that he, she, or it was using the plaintiff's likeness, or the  
3 defendant acted with reckless disregard for, or willful blindness to, the use of the  
4 plaintiff's likeness.

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**COURT’S INSTRUCTION NO. 26**

1  
2  
3 If you decide that Mr. Brophy is entitled to recover the profits that Cardi B,  
4 Washpoppin, and/or KSR received from use of Mr. Brophy’s likeness, then you should  
5 decide if Mr. Brophy should also receive prejudgment interest on the amount Cardi B,  
6 Washpoppin, and/or KSR made from the wrongful use of Mr. Brophy’s likeness.  
7 Prejudgment interest is the amount of interest the law provides to a plaintiff to  
8 compensate for the loss of the ability to use the funds. If prejudgment interest is  
9 awarded, it is computed from the date on which each loss was incurred until the date on  
10 which you sign your verdict. The interest rate will be determined by the Court at a later  
11 point.

12  
13 Whether Mr. Brophy should receive an award of prejudgment interest on all, some,  
14 or none of any past economic damages that you may award is within your discretion. If  
15 you award these damages to Mr. Brophy, you will be asked to address prejudgment  
16 interest in the special verdict form.

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**COURT’S INSTRUCTION NO. 27**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Mr. Brophy has a duty to use reasonable efforts to mitigate damages. To mitigate means to avoid or reduce damages.

Cardi B, Washpoppin, and KSR have the burden of proving by a preponderance of the evidence:

1. That Mr. Brophy failed to use reasonable efforts to mitigate damages; and
2. The amount by which damages would have been mitigated.

**COURT’S INSTRUCTION NO. 28**

In this action, Mr. Brophy’s complaint also seeks a permanent injunction to require the Defendants to cease the unauthorized use of Mr. Brophy’s image. That matter will be decided by the Court only after the jury reaches its verdict.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



**COURT’S INSTRUCTION NO. 29**

You must not consider, or include as part of any award, attorney fees or expenses that the parties incurred in bringing or defending this lawsuit.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**COURT’S INSTRUCTION NO. 30**

1  
2  
3 If you decide that Cardi B’s, Washpoppin’s, and/or KSR’s conduct caused Mr.  
4 Brophy harm, you must decide whether that conduct justifies an award of punitive  
5 damages. At this time, you must decide whether Mr. Brophy has proved by clear and  
6 convincing evidence that Cardi B, Washpoppin, and/or KSR engaged in that conduct with  
7 malice, oppression, or fraud. The amount of punitive damages, if any, will be decided  
8 later.

9  
10 “Malice” means that Cardi B, Washpoppin, and/or KSR acted with intent to cause  
11 injury or that any of their conduct was despicable and was done with a willful and  
12 knowing disregard of the rights or safety of another. A person acts with knowing  
13 disregard when the person is aware of the probable dangerous consequences of the  
14 person’s conduct and deliberately fails to avoid those consequences.

15  
16 “Oppression” means that Cardi B’s, Washpoppin’s, and/or KSR’s conduct was  
17 despicable and subjected Mr. Brophy to cruel and unjust hardship in knowing disregard  
18 of his rights.

19  
20 “Fraud” means that Cardi B, Washpoppin, and/or KSR intentionally  
21 misrepresented or concealed a material fact and did so intending to harm Mr. Brophy.

22  
23 “Despicable conduct” is conduct that is so vile, base, or contemptible that it would  
24 be looked down on and despised by reasonable people.

25  
26 Since Washoppin and KSR are both companies, to prove that Washpoppin and/or  
27 KSR engaged in conduct with malice, oppression, or fraud, Mr. Brophy must prove one  
28 of the following by clear and convincing evidence:

- 1           1. That the conduct constituting malice, oppression, or fraud was committed by  
2           one or more officers, directors, or managing agents of KSR or Washpoppin who  
3           acted on behalf of KSR or Washpoppin; or  
4
- 5           2. That the conduct constituting malice, oppression, or fraud was authorized by  
6           one or more officers, directors, or managing agents of KSR or Washpoppin; or  
7
- 8           3. That one or more officers, directors, or managing agents of KSR or  
9           Washpoppin knew of the conduct constituting malice, oppression, or fraud and  
10          adopted or approved that conduct after it occurred.  
11

12           An employee is a “managing agent” if the employee exercises substantial  
13 independent authority and judgment in corporate decision-making such that the  
14 employee’s decisions ultimately determine corporate policy.  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**COURT’S INSTRUCTION NO. 31**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Before you begin your deliberations, elect one member of the jury as your presiding juror. The presiding juror will preside over the deliberations and serve as the spokesperson for the jury in court.

You shall diligently strive to reach agreement with all of the other jurors if you can do so. Your verdict must be unanimous.

Each of you must decide the case for yourself, but you should do so only after you have considered all of the evidence, discussed it fully with the other jurors, and listened to their views.

It is important that you attempt to reach a unanimous verdict but, of course, only if each of you can do so after having made your own conscientious decision. Do not be unwilling to change your opinion if the discussion persuades you that you should. But do not come to a decision simply because other jurors think it is right, or change an honest belief about the weight and effect of the evidence simply to reach a verdict.

**COURT’S INSTRUCTION NO. 32**

1  
2  
3 Because you must base your verdict only on the evidence received in the case and  
4 on these instructions, I remind you that you must not be exposed to any other information  
5 about the case or the issues it involves. Except for discussing the case with your fellow  
6 jurors during your deliberations:

- 7
- 8 (1) Do not communicate with anyone in any way and do not let anyone else  
9 communicate with you in any way about the merits of the case or anything  
10 to do with it. This includes discussing the case in person, in writing, by  
11 phone, tablet, computer, or any other means, via email, via text messaging,  
12 or any internet chat room, blog, website or application, including but not  
13 limited to Facebook, YouTube, Twitter, Instagram, LinkedIn, Snapchat,  
14 TikTok, or any other forms of social media. This applies to communicating  
15 with your family members, your employer, the media or press, and the  
16 people involved in the trial. If you are asked or approached in any way  
17 about your jury service or anything about this case, you must respond that  
18 you have been ordered not to discuss the matter and to report the contact to  
19 the court.
- 20
- 21 (2) Do not read, watch, or listen to any news or media accounts or commentary  
22 about the case or anything to do with it; do not do any research, such as  
23 consulting dictionaries, searching the Internet, or using other reference  
24 materials; and do not make any investigation or in any other way try to learn  
25 about the case on your own. Do not visit or view any place discussed in this  
26 case, and do not use Internet programs or other devices to search for or view  
27 any place discussed during the trial. Also, do not do any research about this  
28 case, the law, or the people involved—including the parties, the witnesses or

1 the lawyers—until you have been excused as jurors. If you happen to read  
2 or hear anything touching on this case in the media, turn away and report it  
3 to me as soon as possible.  
4

5 These rules protect each party’s right to have this case decided only on evidence  
6 that has been presented here in court. Witnesses here in court take an oath to tell the  
7 truth, and the accuracy of their testimony is tested through the trial process. If you do  
8 any research or investigation outside the courtroom, or gain any information through  
9 improper communications, then your verdict may be influenced by inaccurate,  
10 incomplete or misleading information that has not been tested by the trial process. Each  
11 of the parties is entitled to a fair trial by an impartial jury, and if you decide the case  
12 based on information not presented in court, you will have denied the parties a fair trial.  
13 Remember, you have taken an oath to follow the rules, and it is very important that you  
14 follow these rules.  
15

16 A juror who violates these restrictions jeopardizes the fairness of these  
17 proceedings, and a mistrial could result that would require the entire trial process to start  
18 over. If any juror is exposed to any outside information, please notify the court  
19 immediately.  
20  
21  
22  
23  
24  
25  
26  
27  
28

**COURT’S INSTRUCTION NO. 33**

1  
2  
3       If it becomes necessary during your deliberations to communicate with me, you  
4 may send a note through the clerk or bailiff, signed by any one or more of you. No  
5 member of the jury should ever attempt to communicate with me except by a signed  
6 writing. I will not communicate with any member of the jury on anything concerning the  
7 case except in writing or here in open court. If you send out a question, I will consult  
8 with the lawyers before answering it, which may take some time. You may continue  
9 your deliberations while waiting for the answer to any question. Remember that you are  
10 not to tell anyone—including the court—how the jury stands, whether in terms of vote  
11 count or otherwise, until after you have reached a unanimous verdict or have been  
12 discharged.

**COURT’S INSTRUCTION NO. 34**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

A verdict form has been prepared for you. After you have reached unanimous agreement on a verdict, your presiding juror should complete the verdict form according to your deliberations, sign and date it, and advise the clerk or bailiff that you are ready to return to the courtroom.



## General Information

<b>Case Name</b>	Kevin Michael Brophy Jr v. Belcalis Almanzar et al
<b>Court</b>	U.S. District Court for the Central District of California
<b>Date Filed</b>	Thu Oct 26 00:00:00 EDT 2017
<b>Judge(s)</b>	CORMAC J. CARNEY
<b>Federal Nature of Suit</b>	Personal Injury: Other [360]
<b>Docket Number</b>	8:17-cv-01885
<b>Parties</b>	Kevin Michael Brophy, Jr.; KSR Group, LLC; Does; Belcalis Almanzar; Washpoppin, Inc.