

EXHIBIT H
GENERAL CLOSING INSTRUCTIONS

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I. CLOSING INSTRUCTIONS

A. Verdict - Duty to Deliberate

When you begin your deliberations, you should elect one member of the jury as your presiding juror. That person will preside over the deliberations and speak for you here in court.

The verdict must represent the considered judgment of each of you. In order to return a verdict, it is necessary that each juror agree. Your verdict must be unanimous.

It is your duty, as jurors, to consult with one another, and to deliberate with a view to reaching an agreement, if you can do so without disregard of individual judgment. You must each decide the case for yourself, but only after an impartial consideration of the evidence in the case with your fellow jurors. In the course of your deliberations, do not hesitate to reexamine your own views, and change your opinion, if convinced it is erroneous. But do not surrender your honest conviction as to the weight or effect of evidence, solely because of the opinion of your fellow jurors or for the mere purpose of returning a verdict.

Remember at all times that you are not partisans. You are judges—judges of the facts. Your sole interest is to seek the truth from the evidence in the case.

SOURCE: O'Malley et al., Federal Jury Practice and Instructions § 106.01; *Bowoto v. Chevron Texaco Corp.*, No. C 99-02506 SI, Nov. 25, 2008, at 54.

B. Fair Treatment

Your verdict must be based solely upon the evidence developed at this trial. All parties are equal before the law. The parties in this case are entitled to a trial free from prejudice. Our judicial system is based upon your willingness to reach your verdict through a fair and impartial consideration of the evidence.

Persons who are citizens of another country and persons who are any race, nationality, religion, creed, or ethnic origin, or hold any political view or belief, or have any political affiliation are entitled to the same fair and conscientious consideration by you as any party. It would be improper for you to consider any personal feelings you may have about one of the parties' race, religion, ethnicity, national origin or political views or affiliations.

You should consider and decide this case as a dispute between persons of equal standing in the community, of equal worth, and holding the same or similar stations in life. A corporation is entitled to the same fair trial as a private individual. All persons, including corporations, and other organizations stand equal before the law, and are to be treated as equals.

SOURCES: Ninth Circuit Model Instructions No. 4.1 (modified); *In re Marcos* Instructions: Race, Religion, or National Origin; O'Malley et al., Federal Jury Practice and Instructions, Vol. 3, §103.12

C. Communications Between Court and Jury During Jury's Deliberations

If it becomes necessary during your deliberations to communicate with me, you may send a note by a bailiff, signed by your foreperson or by one or more members of the jury. No member of the jury should ever attempt to communicate with me by any means other than a signed writing, and I will never communicate with any member of the jury on any subject touching the merits of the case otherwise than in writing, or orally here in open court.

You will note from the oath about to be taken by the bailiffs that they too, as well as all persons, are forbidden to communicate in any way or manner with any member of the jury on any subject touching the merits of the case.

If you wish to have some part of the testimony repeated, or to see any of the exhibits, you may make that request. If you request to see all or some of the exhibits, we will send them into the jury room for you or make them available to you here in open court. If you request to hear certain testimony or see trial transcripts of certain portions of the testimony, I will call you into court and have the court reporter read those portions of the testimony to you or send the requested portions of the trial transcript into the jury room. You can have any of the testimony read back to you or made available to you in transcript form. I suggest, however, that you be specific in your requests so as to avoid hearing or reading testimony that you do not need to assist you in your deliberations.

If, in the course of your deliberations, you wish for further help as to the law, or if you wish to hear any further explanation as to the law, you may send me a note telling me what you would like.

Bear in mind also that you are never to reveal to any person—not even to me—how the jury stands, numerically or otherwise, on the questions before you, until after you have reached a unanimous verdict.

When you have reached a verdict, simply send me a note signed by your foreperson that you have reached a verdict. Do not indicate what the verdict is in the note.

SOURCE: O'Malley et al., Federal Jury Practice and Instructions § 106.08; *Bowoto v. Chevron Texaco Corp.*, No. C 99-02506 SI, Nov. 25, 2008, at 54.

D. Return of Verdict

A jury verdict has been prepared for you. After you have reached unanimous agreement on a verdict, your presiding juror will fill in the form that has been given to you, sign and date it, and advise the court that you have reached a verdict and are ready to return to the courtroom.

SOURCE: O'Malley et al., Federal Jury Practice and Instructions § 106.07; *Bowoto v. Chevron Texaco Corp.*, No. C 99-02506 SI, Nov. 25, 2008, at 55.