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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

AVRIL ADAMS,

Plaintiff,

v.

STATE OF CALIFORNIA
DEPARTMENT OF HEALTH
SERVICES, a public entity, LA VONNE
COEN, individually and as a supervisor,
DONNATA MORELAND, individually,
STEPHEN G. WEYERS, M.D.,
individually and in his capacity as Chief
Medical Officer; and DOES 1 through
10, Inclusive

Defendants.

Case No. CV 03-8920 GAF
(JTLx)

~~PROPOSED~~ AMENDED
FINAL JUDGMENT WITH
BILL OF COSTS
ATTACHED

This matter was tried before a jury commencing on September 13, 2005, the Honorable Gary Allen Feess, presiding. This matter was submitted to the jury on September 20, 2005 by means of a special verdict consisting of a series of questions. On September 21, 2005, according to the instructions given to the jury, the jury returned its verdict by way of its answers to the questions propounded to it. In accordance with the verdict so rendered by the jury in this matter,

IT IS ORDERED AND ADJUDGED that:

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1. Plaintiff Avril Adams take nothing from any defendant on any claim against any defendant.

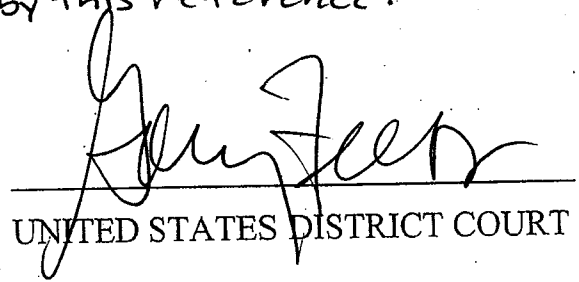
2. Defendants State of California Department of Health Services, La Vonne Coen and Donnata Moreland recover their costs of suit against Plaintiff, Avril Adams, as taxed by the Clerk in the amount of \$8,938.46. The Bill of Costs is attached hereto and incorporated herein by this reference.

3. Plaintiff Avril Adams' request for a declaratory judgment by the court, declaring the defendant California Department of Health Services' rescission of plaintiff's "conditional offer of employment" to be unlawful, IS DENIED.

4. The special verdict returned by the jury is attached and incorporated herein by this reference.

Dated: 10/24/08

10/24/08


UNITED STATES DISTRICT COURT

50307074.wpd

UNITED STATES DISTRICT COURT
Central District of California

ORIGINAL

BILL OF COSTS

AVRIL ADAMS
LOUGED
CLERK U.S. DISTRICT COURT
M M 10:50
NOV 11 2005
CA DEPT OF HEALTH SERVICES, ET AL.
CENTRAL DISTRICT OF CALIFORNIA
BY Judgment having been entered in the above entitled action on

Case Number: CV 03-8920 GAF (JTLx)

(Doc # 168)

FILED 11/11/05
CLERK, U.S. DISTRICT COURT
D.F.C. - 8 2005
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

the Clerk is requested to tax the following as costs:

Fees of the Clerk	Priority Send <input checked="" type="checkbox"/>	\$ 150.00
Fees for service of summons and subpoena	Enter <input type="checkbox"/>	1,373.00
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case (Expedited or daily transcripts require prior Court Order.)	Closed <input type="checkbox"/>	143.00
1. Trial Transcripts, if requested by the Court or prepared pursuant to stipulation	JS-5/JS-6 <input type="checkbox"/>	0.00
2. Deposition Transcripts (includes non-expedited transcripts, the reporter's appearance fee, fees for binding, bates stamping, non-expedited shipping & handling, processing fee, ASCII disks, production and code compliance charge, electronic transmission charge, miniscripts and witness handling charges)	JS-2/JS-3 <input type="checkbox"/>	4,132.90
Fees and disbursements for printing	Scan Only <input type="checkbox"/>	133.80
(The costs of copies of an exhibit attached to a document necessarily filed and served.)		2,605.42
Fees for witnesses (itemize on page 2 of 3)		341.91
Fees for exemplification and copies of papers necessarily obtained for use in the case		543.34
Docket fees under 28 U.S.C. 1923		0.00
Costs as shown on Mandate of Court of Appeals		0.00
Compensation of court-appointed experts		0.00
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828		0.00
Other costs to be taxed pursuant to prior Court approval (please itemize)		0.00
	TOTAL	\$ 8,938.46

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this case for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today prepaid to: B. Kwaku Duren, Attorney for Plaintiff

Martin H. Milas
Signature of Attorney

MARTIN H. MILAS
Name of Attorney

DOCKETED ON CM
Dec 8 2005
BY 112

For: CALIFORNIA DEPARTMENT OF HEALTH SERVICES, COEN AND MORELAND
Name of Claiming Party

Date:

Costs are taxed in the amount of \$8,938.46
SHERRI R. CARTER
Clerk of Court

and included in the judgment.
12/8/05
Date

BY: *Matthews*
Deputy Clerk
JUDY A. MATTHEWS

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)

NAME AND RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	
LaVonne Coen Sacramento, CA	7	280.00	7.00	1,689.48	10.00	130.28	2,099.76
Donnata Moreland Sacramento, CA	6	240.00	6.00	597.11	44.00	505.04	1,342.15
						TOTAL	3,441.91

SCANNED

INSTRUCTIONS AND NOTICES REGARDING BILL OF COSTS

SPECIAL NOTE: An itemization and documentation to support the claims made in all categories shall be attached to the Application for Bill of Costs. Documentation shall include receipts, orders and stipulations of the parties. The claiming party shall ensure that any receipts are self-explanatory (i.e. receipts for service, to include the name of the individual). The Clerk's designee will disallow any expenses that do not have supporting documentation. It is the claiming party's responsibility to ensure that the total cost requested in all categories on Form CV-59 reflects the same total of the documentation submitted in support thereof. The Clerk's designee shall allow such items specified in the application which are properly recoverable as costs.

SCANNED

Amended Procedure for Filing Bill of Costs

Local Rule 54.3 - Within (15) days after entry of judgment, the party entitled to costs shall file a Notice of Application to the Clerk to Tax Costs and shall lodge a verified Bill of Costs on Form CV-59 in accordance with the instructions on said form. The Bill of Costs and the Application to the Clerk to Tax Costs shall be prepared as two separate documents. The Bill of Costs may be lodged when presented for filing and will be filed at the time of determination of allowable costs by the Clerk's designee. All costs shall be specified so that the nature of the claim can be readily understood.

Appearance Requirements

Local Rule 54-3.2 - Time of Application - The date and time for taxation of costs by the Clerk shall be not less than fourteen (14) nor more than twenty-one (21) days from the date notice is given to the other parties. If no objections to the Bill of Costs are filed, then no appearance by counsel is required. In the absence of an objection, any item listed will be taxed as allowed under Local Rule 54. When an objection is filed, the Clerk's designee may determine that no hearing is required and the parties will be so notified. If a hearing is to be held, the Clerk's designee may specify the form of the hearing and determine if telephonic appearances are appropriate.

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:

Rule 54 (d)

"Except when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day's notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court."

Rule 6(e)

"Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period."

Rule 58 (In Part)

"Entry of the judgment shall not be delayed for the taxing of costs."

DECLARATION OF SERVICE BY U.S. MAIL

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Case Name: **AVRIL ADAMS v. STATE OF CALIFORNIA DEPARTMENT OF HEALTH SERVICES, et al.**

No.: **CV 03-8920 GAF (JTLx)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 300 South Spring Street, Suite 1702, Los Angeles, CA 90013.

On **September 11, 2008**, I served the attached **[PROPOSED] AMENDED JUDGMENT WITH BILL OF COSTS ATTACHED**, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid with the U.S. Postal Service, addressed as follows:

B. Kwaku Duren, Esq.
Law Offices of B. Kwaku Duren
1467 West 49th Street
Los Angeles, CA 90062

Patricia Barrett, Esq.
Law Offices of Patricia D. Barrett
846 West Foothill Blvd., Suite M
Upland, CA 91786-3784

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **September 11, 2008**, at Los Angeles, California.

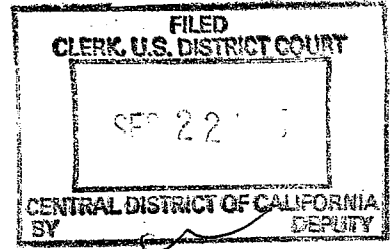
MARLENE SIMON



Declarant

Signature

50307074.wpd



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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

AVRIL ADAMS,

Plaintiff,

vs.

STATE OF CALIFORNIA, et al.,

Defendant.

Case No. CV 03-8920-GAF

VERDICT

We, the jury, in the above-entitled action, find as follows:

A. On Plaintiff's claim under 42 U.S.C. § 1983:

1. Did Defendant La Vonne Coen recommend the withdrawal of a conditional offer of employment to plaintiff in retaliation for plaintiff's filing a discrimination lawsuit against the California Department of Food and Agriculture?

YES _____ NO X

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2. Did Defendant Donatta Moreland recommend the withdrawal of a conditional offer of employment to plaintiff in retaliation for plaintiff's filing a discrimination lawsuit against the California Department of Food and Agriculture?

YES _____ NO X

B. On Plaintiff's claim under the California Fair Employment and Housing Act:

3. Did Defendant La Vonne Coen recommend the withdrawal of a conditional offer of employment to plaintiff in retaliation for plaintiff's filing a discrimination lawsuit against the California Department of Food and Agriculture?

Yes _____ No X

4. Did Defendant Donatta Moreland recommend the withdrawal of a conditional offer of employment to plaintiff in retaliation for plaintiff's filing a discrimination lawsuit against the California Department of Food and Agriculture?

Yes _____ No X

1 5. Did Defendant California Department of Health Services
2 withdraw its conditional offer of employment to plaintiff in retaliation for
3 plaintiff's filing a discrimination lawsuit against the California Department
4 of Food and Agriculture?

5 Yes _____ No X

6
7 If you answered NO to all of Questions 1, 2, 3, 4, and 5, sign and
8 return the verdict form to the Court.

9
10 If you answered YES to Question 1, 2, 3, 4, or 5, go to Question 6.

11
12 6. On the claim under 42 U.S.C. Section 1983, did the action of
13 defendants cause plaintiff damage?

14
15 Yes _____ No _____

16
17 Go to Question No. 7.

18
19 7. On the claim under the California Fair Employment and Housing
20 Act, did the action of defendants cause plaintiff damage?

21
22 Yes _____ No _____

23
24 If you answered NO to both Questions No. 6 and 7, sign and return
25 the verdict form to the Court.

26 If you answered YES to either Question No. 6 or Question No. 7,
27 answer Question No. 8.

28

1 8. Without considering the question of whether plaintiff mitigated
2 her damages, what amount of damages do you find plaintiff has suffered:

3 Economic Damages: \$ _____
4

5 Non-Economic Damages: \$ _____
6

7 Total Damages: \$ _____
8

9 Go to Question No. 9.
10

11 9. Did plaintiff fail to mitigate her economic damages?
12

13 Yes _____ No _____
14

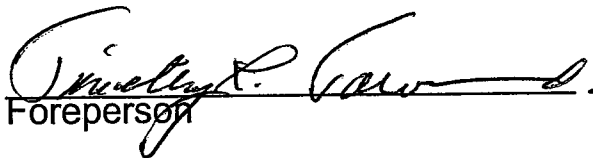
15 If you answered NO to Question No. 9, sign and return the verdict
16 form to the Court.
17

18 If you answered YES to Question No. 9, go to Question No. 10.
19

20 10. By what amount should plaintiff's economic damages be
21 reduced for her failure to mitigate?
22

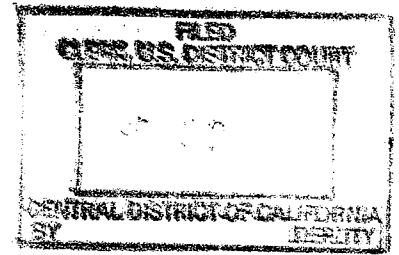
23 \$ _____
24

25 Dated: September 20, 2005

26 
27 Foreperson
28

NFPV
CHAMBERS COPY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA



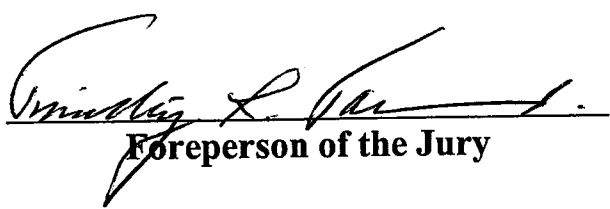
JURY NOTE No. 3

Avril Adams v. State of California Department of Health Services
Case No. CV 03-8920-GAF

Date: 9/21/05

Time: 1:50

- The jury has reached a unanimous verdict.
- The jury requests the following:


Foreperson of the Jury

(Please fill out in ink)