

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

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

AL ACII,  
Plaintiff,  
v.  
AUTOZONE, INC., et al.  
Defendants.

Case No. CV 11-1751 JAK (AJWx)  
**JUDGMENT ON JURY VERDICT**  
**JS-6**  
Verdict: February 12, 2013  
Ctrm: 750  
Hon. John A. Kronstadt

This action came on regularly for trial in Courtroom 750, the Honorable John A. Kronstadt presiding. Doumanian & Associates appeared for Plaintiff; Defendants AutoZone, Inc. and AutoZone West, Inc. were represented by Arena Hoffman LLP.

A jury of eight persons was regularly impaneled and sworn. Witnesses were sworn and testified. After hearing the evidence and arguments of counsel, the jury was duly instructed by the Court and the cause was submitted to the jury with directions to return a verdict on the questions presented in the Special Verdict.

The jury deliberated and thereafter, on February 12, 2013, returned into Court with its unanimous verdict. Dkt. 223. That verdict, in favor of Defendants and against Plaintiff, was as follows:

**JUDGMENT**

1.

Case No. CV 11-1751 JAK (AJWx)

1 We answer the questions submitted to us as follows:

2 1. Was Mr. Acii employed by the Employer? Yes

3 If your answer to Question 1 is “yes”, please answer question 2. If your  
4 answer to Question 1 is “no”, stop here, answer no further questions, and have the  
5 presiding juror sign and date this form.

6  
7 2. Was Mr. Acii discharged by the Employer? Yes

8 If your answer to Question 2 is “yes”, please answer question 3. If your  
9 answer to Question 2 is “no”, stop here, answer no further questions, and have the  
10 presiding juror sign and date this form.

11  
12 3. Was Mr. Acii age 40 or older at the time of the discharge? Yes

13 If your answer to Question 3 is “yes”, please answer question 4. If your  
14 answer to Question 3 is “no”, stop here, answer no further questions, and have the  
15 presiding juror sign and date this form.

16  
17 4. Was Mr. Acii’s age a substantial motivating reason for the  
18 Employer’s decision to discharge him? No

19 If your answer to Question 4 is “yes”, please answer question 5. If your  
20 answer to Question 4 is “no”, stop here, answer no further questions, and have the  
21 presiding juror sign and date this form.

22  
23 5. Did the discharge cause Mr. Acii harm? Not answered.

24 If your answer to Question 5 is “yes”, please answer question 6. If your  
25 answer to Question 5 is “no”, stop here, answer no further questions, and have the  
26 presiding juror sign and date this form.

27  
28

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

6. What are Mr. Acii’s damages? Not Answered.

Past Economic Loss \$ \_\_\_\_\_

[lost earnings or other economic loss]

Future Economic Loss \$ \_\_\_\_\_

[lost earnings or other economic loss]

Past Non-Economic Loss \$ \_\_\_\_\_

[mental suffering, anxiety,  
humiliation, emotional distress]

Future Non-Economic Loss \$ \_\_\_\_\_

[mental suffering, anxiety  
humiliation, emotional distress]

**TOTAL DAMAGES:** \$ \_\_\_\_\_

If you answered Question 6 with a dollar amount, please answer Question 7. If you answered Question 6 “zero dollars”, stop here, answer no further questions, and have the presiding juror sign and date this form.

7. Did the Employer engage in the conduct with malice, oppression or fraud? Not Answered.

If your answer to Question 7 is “yes”, please answer question 8. If your answer to Question 7 is “no”, stop here, answer no further questions, and have the presiding juror sign and date this form.

8. Was the conduct constituting malice, oppression or fraud

1 committed by one or more officers, directors or managing agents of the Employer  
2 acting on behalf of the Employer? Not answered.

3  
4 \* \* \*

5  
6 Pursuant to the Special Verdict, judgment is hereby entered against Plaintiff and  
7 in favor of Defendants on the merits of those claims -- the First Cause of Action for  
8 Discrimination on the Basis of Age in Violation of Fair Employment & Housing Act  
9 and the Second Cause of Action for Wrongful Termination/Retaliatory Discharge of  
10 Employment in Violation of Public Policy -- that were presented at the trial in this  
11 action. The claims that were not submitted to the jury were: the Third Cause of Action  
12 for Discrimination on the Basis of Race in Violation of Fair Employment & Housing  
13 Act, which was dismissed voluntarily, and with prejudice, by Plaintiff prior to the  
14 completion of the trial; and the Fourth Cause of Action for Intentional Infliction of  
15 Emotional Distress, which was dismissed after the Court entered summary judgment  
16 in favor of the Defendant. Dkt. 129. Plaintiff shall recover nothing in the action.  
17 Defendants may recover costs in the amount of \$\_\_\_\_\_. This amount shall be  
18 determined upon the filing of the appropriate application pursuant to the applicable  
19 procedures.

20  
21 IT IS SO ORDERED.

22  
23 Dated: March 7, 2013

24   
25 \_\_\_\_\_  
26 JOHN A. KRONSTADT  
27 UNITED STATES DISTRICT JUDGE  
28