

1 David D. Lawrence, Esq. [State Bar No. 123039]
 E-Mail: dlawrence@lbaclaw.com
 2 Christina M. Sprenger, Esq. [State Bar No. 205105]
 E-Mail: csprenger@lbaclaw.com
 3 Daniel S. Cha, Esq. [State Bar No. 260256]
 E-Mail: dcha@lbaclaw.com
 4 LAWRENCE BEACH ALLEN & CHOI, PC
 2677 N. Main Street, Suite 370
 5 Santa Ana, California 92705
 Telephone No.: (714) 479-0180
 6 Facsimile No.: (714) 479-0181

7 Attorneys for Defendants, CITY OF DOWNEY, DOWNEY POLICE
 DEPARTMENT, CHIEF OF POLICE RICK ESTEVES, CHRISTOPHER KURTZ,
 8 and DETECTIVE JASON KLEVOS

9 **UNITED STATES DISTRICT COURT**
 10 **CENTRAL DISTRICT OF CALIFORNIA**

12 CAROLE A. COSENTINO, RONALD L. BOURS, ESTATE OF STEVEN M. BOURS, D.B.by and through his guardian ad litem Linda Capalbo, individually and as a successor in interest to Steven Bours; V.B. by and through his guardian ad litem Linda Capalbo, individually and as a successor in interest to Steven Bours,

) Case No. CV 11-03206 GAF(SSx)
) **JUDGMENT**

17 Plaintiff,

18 vs.

19 CHRISTOPHER KURTZ, RICK ESTEVES, CHIEF OF POLICE, DET. JASON KLEVOS, M. CASWELL, R. FLORES, I. KIM, F. QUINTANA, M. MILOSEVICH, DOWNEY POLICE DEPARTMENT, a governmental entity, CITY OF DOWNEY, a governmental entity, JOHN DOE, and TEN UNKNOWN NAMED DEFENDANTS ("DOES" 1 -10), inclusive,

) **MATTER FOR DETERMINATION BEFORE THE HONORABLE GARY A. FEESS**

24 Defendants.

1 On December 11, 2012, the entirety of Plaintiffs' Fifth Claim For Relief for
2 violation of 42 U.S.C. § 1983 – First Amendment, the entirety of Plaintiffs'
3 Thirteenth Claim For Relief for Wrongful Death under state law, and Plaintiffs
4 V.B.'s and D.B.'s Twelfth Claim For Relief for violation of California Civil Code §
5 52/§ 52.1, were dismissed with prejudice as a result of the Court's granting
6 Defendants' Motion For Partial Judgment On The Pleadings.

7 On January 8, 2013, Defendants Caswell, Quintana, Kim, Flores, and
8 Milosevich were dismissed with prejudice pursuant to the parties' stipulation. In
9 addition, the parties stipulated to the dismissal, with prejudice, of all Plaintiffs'
10 claims arising out of the February 22, 2010 incident, including the entirety of the
11 Plaintiffs' First Claim For Relief, and the Second Claim For Relief.

12 On February 13, 2013, Plaintiff Estate of Steven Bours' Twelfth Claim For
13 Relief for violation of California Civil Code § 52/§ 52.1 was dismissed with
14 prejudice as a result of the Court's granting Defendants' Motion For Partial
15 Judgment On The Pleadings.

16 On March 1, 2013, the entirety of Plaintiffs' Fourth Claim For Relief for
17 violation of 42 U.S.C. § 1983 – Fourteenth Amendment Deliberate Indifference To
18 Serious Medical Need was dismissed with prejudice pursuant to the parties'
19 stipulation.

20 On April 17, 2013, the Court granted the remaining Defendants summary
21 judgment as to all of Plaintiffs' remaining claims.

22 IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

23 Judgment is entered in favor of Defendants Christopher Kurtz, Rick Esteves,
24 Jason Klevos, Mark Caswell, Rene Flores, Il Koo Kim, Francisco Quintana, Marko
25 Milosevich, Downey Police Department, and City Of Downey, and against Plaintiffs
26 Carole A. Cosentino, Ronald Bours, D.B. (by and through guardian *ad litem* Linda
27 Capalbo), and V.B. (by and through guardian *ad litem* Linda Capalbo) and the
28 Estate of Steven M. Bours, on all claims. It is ordered that Plaintiffs recover

1 nothing, the action be dismissed on the merits, and the Defendants are the prevailing
2 parties for the purpose of any recovery of allowed costs as set forth in Federal Rule
3 of Civil Procedure 54 and Central District Local Rule 54, and any costs and
4 attorney's fees as the Court may deem to be recoverable will be reserved and
5 determined by the Court upon further proceedings.

6 **IT IS SO ORDERED.**

7
8 Dated: April 29, 2013



HONORABLE GARY A. FEESS

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