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

SAMUEL CALHOUN ARRINGTON,
individually, and through his next best
friend, AURELIA CLEO BATTLE,

Plaintiffs,

vs.

CITY OF LOS ANGELES, a public
entity; DANIEL PENNINGTON, an
individual; RUSS GRAYBILL, an
individual; JOHNATHAN JORDAN,
an individual; ERIC OLIVE, an
individual; CHRISTIAN ARRUE, an
individual; AND DOES 1 THROUGH
10, inclusive,

Defendants.

CASE NO. CV 12-4698-GW(AGR_x)
(Hon. George Wu, District Judge)
(Hon. Alicia G. Rosenberg, Magistrate Judge)

JUDGMENT

This action came on regularly for trial on October 13, 2016, in Courtroom “10” of the United States District Court, Central District of California, Central Division, the Honorable George Wu, Judge Presiding. The Plaintiff SAMUEL CALHOUN ARRINGTON, was represented by attorney Nazareth M. Haysbert. The Defendants CITY OF LOS ANGELES, DANIEL PENNINGTON, RUSSELL GRAYBILL, JOHNATHAN JORDAN, ERIC OLIVE and CHRISTIAN ARRUE were present and represented by attorneys Colleen R. Smith and Cory M. Brente.

1 The trial was bifurcated, with phase I addressing liability and compensatory
2 damages only.

3 A jury of 8 persons was regularly impaneled and sworn on October 13, 2016.
4 Witnesses were sworn and testified. On October 24, 2016, following the
5 presentation of evidence and argument during a jury trial which concluded October
6 24, 2016, the jury, in the above-entitled action, UNANIMOUSLY found as follows:

7
8 **JUDGMENT ON SPECIAL VERDICT**

9 WE, THE JURY in the above-entitled action, unanimously find as follows on
10 the questions submitted to us:

11
12 **QUESTION NO. 1:** Has Plaintiff proved by a preponderance of the evidence that
13 any of the following Defendants violated his Fourth Amendment Constitutional
14 Rights by using excessive force against him?

15 *Answer (check "Yes" or "No") following the name of each Defendant:*

16 SERGEANT RUSS GRAYBILL	YES _____	NO <u>✓</u>
17 OFFICER DANIEL PENNINGTON	YES _____	NO <u>✓</u>
18 OFFICER JOHNATHAN JORDAN	YES _____	NO <u>✓</u>
19 OFFICER ERIC OLIVE	YES _____	NO <u>✓</u>
20 OFFICER CHRISTIAN ARRUE	YES _____	NO <u>✓</u>

21 *If you answered "No" as to each of the Defendants, skip to Question No. 5.*

22 *If you answered "Yes" as to any Defendant, proceed to Question No. 2.*

23
24 **QUESTION NO. 2:** For each "Yes" response to Question No. 1, do you find that
25 Plaintiff has proved by a preponderance of the evidence that the Defendant's
26 conduct was the cause of injury to him?

27 *Answer (check "Yes" or "No") following the name of each Defendant:*

28 SERGEANT RUSS GRAYBILL YES _____ NO _____

1 OFFICER DANIEL PENNINGTON YES _____ NO _____
2 OFFICER JOHNATHAN JORDAN YES _____ NO _____
3 OFFICER ERIC OLIVE YES _____ NO _____
4 OFFICER CHRISTIAN ARRUE YES _____ NO _____

5 *Please proceed to Question No. 3.*

6

7 **QUESTION NO. 3:** Has Plaintiff proved by a preponderance of the evidence that
8 any of the following Defendants committed a battery upon him?

9 *Answer (check "Yes" or "No") following the name of each Defendant:*

10 SERGEANT RUSS GRAYBILL YES _____ NO _____
11 OFFICER DANIEL PENNINGTON YES _____ NO _____
12 OFFICER JOHNATHAN JORDAN YES _____ NO _____
13 OFFICER ERIC OLIVE YES _____ NO _____
14 OFFICER CHRISTIAN ARRUE YES _____ NO _____

15 *If you answered "No" as to each of the Defendants, skip to Question No. 5.*

16 *If you answered "Yes" as to any Defendant, proceed to Question No. 4.*

17

18 **QUESTION NO. 4:** For each "Yes" response to Question No. 3, do you find that
19 Plaintiff has proved by a preponderance of the evidence that the Defendant's
20 conduct was a substantial factor in causing him injury?

21 *Answer (check "Yes" or "No") following the name of each Defendant:*

22 SERGEANT RUSS GRAYBILL YES _____ NO _____
23 OFFICER DANIEL PENNINGTON YES _____ NO _____
24 OFFICER JOHNATHAN JORDAN YES _____ NO _____
25 OFFICER ERIC OLIVE YES _____ NO _____
26 OFFICER CHRISTIAN ARRUE YES _____ NO _____

27 *Please proceed to Question No. 5.*

28

1 **QUESTION NO. 5:** Has Plaintiff proved by a preponderance of the evidence that
2 any of the following Defendants negligently used excessive force against him?

3 *Answer (check "Yes" or "No") following the name of each Defendant:*

4	SERGEANT RUSS GRAYBILL	YES_____	NO <u>✓</u>
5	OFFICER DANIEL PENNINGTON	YES_____	NO <u>✓</u>
6	OFFICER JOHNATHAN JORDAN	YES_____	NO <u>✓</u>
7	OFFICER ERIC OLIVE	YES_____	NO <u>✓</u>
8	OFFICER CHRISTIAN ARRUE	YES_____	NO <u>✓</u>

9 *If you answered "No" as to Questions Nos. 1 and 5, please date and sign this form*
10 *where indicated below.*

11 *If you answered "Yes" as to Question Nos. 2, 4, or 5 as to any Defendant, proceed*
12 *to Question No. 6.*

13

14 **QUESTION NO. 6:** For each "Yes" response to Question No. 5, do you find that
15 Plaintiff has proved by a preponderance of the evidence that the Defendant's
16 conduct was a substantial factor in causing him injury?

17 *Answer (check "Yes" or "No") following the name of each Defendant:*

18	SERGEANT RUSS GRAYBILL	YES_____	NO_____
19	OFFICER DANIEL PENNINGTON	YES_____	NO_____
20	OFFICER JOHNATHAN JORDAN	YES_____	NO_____
21	OFFICER ERIC OLIVE	YES_____	NO_____
22	OFFICER CHRISTIAN ARRUE	YES_____	NO_____

23 *Please proceed to Question No. 7.*

24

25 **QUESTION NO. 7:** *If you answered "Yes" to Question No. 1, answer the following*
26 *question. If you answered "No" as to all Defendants in Question No. 1, please*
27 *proceed to Question No. 9. Has Plaintiff proved by a preponderance of the evidence*

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1 that any of the following Defendants failed to intervene to prevent a violation of
2 Plaintiff's constitutional rights?

3 *Answer (check "Yes" or "No") following the name of each Defendant:*

- | | | | |
|---|---------------------------|----------|---------|
| 4 | SERGEANT RUSS GRAYBILL | YES_____ | NO_____ |
| 5 | OFFICER DANIEL PENNINGTON | YES_____ | NO_____ |
| 6 | OFFICER JOHNATHAN JORDAN | YES_____ | NO_____ |
| 7 | OFFICER ERIC OLIVE | YES_____ | NO_____ |
| 8 | OFFICER CHRISTIAN ARRUE | YES_____ | NO_____ |

9 *If you answered "No" as to each of the Defendants, skip to Question No. 9.*

10 *If you answered "Yes" as to any Defendant, proceed to Question No. 8.*

11

12 **QUESTION NO. 8:** For each "Yes" response to Question No. 7, do you find that
13 Plaintiff has proved by a preponderance of the evidence that the Defendant's
14 conduct was the cause of injury to him?

15 *Answer (check "Yes" or "No") following the name of each Defendant:*

- | | | | |
|----|---------------------------|----------|---------|
| 16 | SERGEANT RUSS GRAYBILL | YES_____ | NO_____ |
| 17 | OFFICER DANIEL PENNINGTON | YES_____ | NO_____ |
| 18 | OFFICER JOHNATHAN JORDAN | YES_____ | NO_____ |
| 19 | OFFICER ERIC OLIVE | YES_____ | NO_____ |
| 20 | OFFICER CHRISTIAN ARRUE | YES_____ | NO_____ |

21 *Please proceed to Question No. 9.*

22

23 **QUESTION NO. 9:** *If you answered "Yes" as to Question Nos. 2 or 4, answer the*
24 *following question. Otherwise, please proceed to the section on Damages. Has*
25 *Plaintiff proved by a preponderance of the evidence that any of the following*
26 *Defendants intentionally inflicted severe emotional distress on him?*

27 *Answer (check "Yes" or "No") following the name of each Defendant:*

- | | | | |
|----|------------------------|----------|---------|
| 28 | SERGEANT RUSS GRAYBILL | YES_____ | NO_____ |
|----|------------------------|----------|---------|

1 OFFICER DANIEL PENNINGTON YES _____ NO _____
2 OFFICER JOHNATHAN JORDAN YES _____ NO _____
3 OFFICER ERIC OLIVE YES _____ NO _____
4 OFFICER CHRISTIAN ARRUE YES _____ NO _____

5 *If you answered "No" as to each of the Defendants, skip to Question No. 11.*

6 *If you answered "Yes" as to any Defendant, proceed to Question No. 10.*

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8 **QUESTION NO. 10:** For each "Yes" response to Question No. 9, do you find that
9 Plaintiff has proved by a preponderance of the evidence that the Defendant's
10 conduct was a substantial factor in causing him injury?

11 *Answer (check "Yes" or "No") following the name of each Defendant:*

12 SERGEANT RUSS GRAYBILL YES _____ NO _____
13 OFFICER DANIEL PENNINGTON YES _____ NO _____
14 OFFICER JOHNATHAN JORDAN YES _____ NO _____
15 OFFICER ERIC OLIVE YES _____ NO _____
16 OFFICER CHRISTIAN ARRUE YES _____ NO _____

17 *Please proceed to Question No. 11.*

18

19 **DAMAGES**

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21 *If you gave any "Yes" responses to either Question Nos. 2, 4, 6, 8 or 10, please*
22 *answer the following questions. Otherwise, please date and sign this form where*
23 *indicated below.*

24

25 **QUESTION NO. 11:** What is the total amount of compensatory damages suffered
26 by Plaintiff? \$ _____.

27

28 *If you did not enter an amount, skip to Question No. 13.*

1 *If you entered an amount, proceed to Question No. 12.*

2

3 **QUESTION NO. 12:** *If you answered “yes” to Question No. 5 and you entered an*
4 *amount in response to Question No. 11, what percentage of responsibility for*
5 *Plaintiff’s harm do you assign to each of the following person’s (Do not include any*
6 *Defendants for which you did not find any liability above).*

7	PLAINTIFF SAMUEL ARRINGTON	_____%
8	SERGEANT RUSS GRAYBILL	_____%
9	OFFICER DANIEL PENNINGTON	_____%
10	OFFICER JOHNATHAN JORDAN	_____%
11	OFFICER ERIC OLIVE	_____%
12	OFFICER CHRISTIAN ARRUE	_____%
13	TOTAL	100%

14

15 **QUESTION NO. 13:** *If you answered “yes” to Question No. 1 or 7, answer the*
16 *following question. If you answered “No” as to all Defendants to both Questions 1*
17 *and 7, please proceed to Question No. 14. Has Plaintiff proved by preponderance*
18 *of the evidence that any of the following Defendants acted with malice, fraud or*
19 *oppression?*

20 *Answer (check “Yes” or “No”) following the name of each Defendant:*

21	SERGEANT RUSS GRAYBILL	YES _____	NO _____
22	OFFICER DANIEL PENNINGTON	YES _____	NO _____
23	OFFICER JOHNATHAN JORDAN	YES _____	NO _____
24	OFFICER ERIC OLIVE	YES _____	NO _____
25	OFFICER CHRISTIAN ARRUE	YES _____	NO _____

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1 **QUESTION NO. 14:** *If you answered “yes” to Question No. 3 or 9, answer the*
2 *following question. Has Plaintiff proved by clear and convincing evidence that any*
3 *of the following Defendants acted with malice, fraud or oppression?*

4 *Answer (check “Yes” or “No”) following the name of each Defendant:*

5	SERGEANT RUSS GRAYBILL	YES_____	NO_____
6	OFFICER DANIEL PENNINGTON	YES_____	NO_____
7	OFFICER JOHNATHAN JORDAN	YES_____	NO_____
8	OFFICER ERIC OLIVE	YES_____	NO_____
9	OFFICER CHRISTIAN ARRUE	YES_____	NO_____

10 *Please date and sign below, and return this form to the Court. Thank you.*

11
12
13 **DATED:** 10/24/16

/s/

14 **FOREPERSON OF THE JURY**

15
16 Based on the jury’s finding for the Defendants CITY OF LOS ANGELES,
17 DANIEL PENNINGTON, RUSSELL GRAYBILL, JOHNATHAN JORDDAN,
18 ERIC OLIVE and CHRISTIAN ARRUE in phase I, the liability and compensatory
19 damages phase, the Plaintiff’s claims for punitive damages and *Monell* are null and
20 void and hereby dismissed with prejudice.

21 By reason of dismissals, the rulings of the Court, and the special verdict,
22 Defendants CITY OF LOS ANGELES, DANIEL PENNINGTON, RUSSELL
23 GRAYBILL, JOHNATHAN JORDDAN, ERIC OLIVE and CHRISTIAN ARRUE
24 are entitled to judgment against Plaintiff SAMUEL CALHOUN ARRINGTON.

25 Now, therefore, it is **ORDERED, ADJUDGED AND DECREED** that
26 Plaintiff SAMUEL CALHOUN ARRINGTON, have and recover nothing by reason
27 of each and all his claims as set forth in the Complaint against Defendants CITY OF
28 LOS ANGELES, DANIEL PENNINGTON, RUSSELL GRAYBILL,

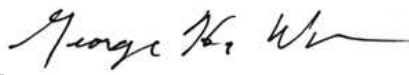
1 JOHNATHAN JORDAN, ERIC OLIVE and CHRISTIAN ARRUE and that
2 Defendants shall recover their costs in accordance with Local Rule 54.

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JUDGMENT IS HEREBY ENTERED IN FAVOR OF ALL DEFENDANTS ON ALL CLAIMS.

IT IS SO ORDERED.

DATED: October 26, 2016



GEORGE H. WU, U.S. DISTRICT JUDGE