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JS-6

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

CHARLES ANTUNA, et al.,
Plaintiffs,
vs.
COUNTY OF LOS ANGELES, et al.,
Defendants.

Case No. CV 14-5600-MWF (PLAx)
**SECOND AMENDED JUDGMENT
AFTER TRIAL**

This action came on regularly for jury trial between November 11, 2015, and December 15, 2015, in Courtroom 1600 of this United States District Court. Plaintiffs were David Waters, Rocio Martinez, Kevin Hebert, Charles Antuna, Casey Dowling, Robert Wheat, Louis Duran, and Robert Tubbs. Plaintiffs were represented by Bradley Gage and Milad Sadr of the Law Offices of Goldberg & Gage, as well as Stephen King of the Law Offices of Rodriguez & King. Defendants the County of Los Angeles and Leroy Baca were represented by attorneys George Peterson, Avi Burkwitz, and Sherry Gregorio of Peterson Bradford Burkwitz LLP.

The jury deliberated and thereafter returned verdicts as follows:

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1 **First Amendment Retaliation Claim: Asserted by All Plaintiffs**

2 On each Plaintiff's First Amendment retaliation claim, the jury returned a
3 verdict in favor of each Plaintiff and against Defendant Leroy Baca, awarding each
4 Plaintiff damages as follows:

5 1. Damages awarded Plaintiff David Waters:

6 Past and present non-economic damages: \$80,000

7 Future non-economic damages: \$3,000

8 Punitive damages: \$45,000

9 TOTAL: \$128,000

10 2. Damages awarded Plaintiff Rocio Martinez:

11 Past, present, and future medical damages: \$3,000

12 Punitive damages: \$45,000

13 TOTAL: \$48,000

14 3. Damages awarded Plaintiff Kevin Hebert:

15 Past and present non-economic damages: \$35,000

16 Future non-economic damages: \$3,000

17 Punitive damages: \$45,000

18 TOTAL: \$83,000

19 4. Damages awarded Plaintiff Charles Antuna:

20 Past and present non-economic damages: \$48,000

21 Future non-economic damages: \$3,000

22 Punitive damages: \$45,000

23 TOTAL: \$96,000

24 5. Damages awarded Plaintiff Casey Dowling:

25 Past and present non-economic damages: \$72,000

26 Future non-economic damages: \$3,000

27 Punitive damages: \$45,000

28 TOTAL: \$120,000

1 6. Damages awarded Plaintiff Robert Wheat:

2 Past and present non-economic damages: \$72,000

3 Future non-economic damages: \$3,000

4 Punitive damages: \$45,000

5 TOTAL: \$120,000

6 7. Damages awarded Plaintiff Louis Duran:

7 Past and present non-economic damages: \$72,000

8 Future non-economic damages: \$3,000

9 Punitive damages: \$45,000

10 TOTAL: \$120,000

11 8. Damages awarded Plaintiff Robert Tubbs:

12 Past and present non-economic damages: \$25,000

13 Future non-economic damages: \$3,000

14 Punitive damages: \$45,000

15 TOTAL: \$73,000

16 **Public Safety Officers Procedural Bill of Rights Act (“POBRA”) Claims:**

17 **Asserted by All Plaintiffs but Rocio Martinez**

18 On Plaintiffs David Waters, Kevin Hebert, Charles Antuna, Casey Dowling,
19 Robert Wheat, Louis Duran, and Robert Tubbs’ POBRA claims, the jury returned a
20 verdict in favor of Defendant County of Los Angeles.

21 **Fair Employment and Housing Act (“FEHA”) Retaliation and Failure to**

22 **Protect Claims: Asserted by Robert Tubbs**

23 On Plaintiff Robert Tubbs’ FEHA retaliation and failure to protect claims,
24 the jury returned a verdict in favor of Defendant County of Los Angeles.

25 Separately, in an Order dated September 30, 2015, the Court dismissed each
26 Plaintiff’s First Amendment retaliation claim against Defendant John Scott on
27 summary judgment. (Docket No. 135).

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1 On February 22, 2016, the Court granted Plaintiff Rocio Martinez's Motion
2 for New Trial on the issue of non-economic damages, which had been
3 inadvertently omitted from Plaintiff Rocio Martinez's special verdict form in the
4 previous jury trial. (Docket No. 343). The issue of non-economic damages for
5 Plaintiff Rocio Martinez's successful First Amendment retaliation claim against
6 Defendant Leroy Baca came on regularly for jury trial between June 7 and 9, 2016,
7 in Courtroom 1600 of this United States District Court. Plaintiff Rocio Martinez
8 was represented by Bradley Gage and Milad Sadr of the Law Offices of Goldberg
9 & Gage. Defendant Leroy Baca was represented by attorneys George Peterson,
10 Avi Burkwitz, and Sherry Gregorio of Peterson Bradford Burkwitz LLP.

11 The jury deliberated and thereafter returned a verdict as follows:

12 **Non-Economic Damages for Plaintiff Rocio Martinez's First Amendment**
13 **Retaliation Claim**

14 The jury returned a verdict in favor of Plaintiff Rocio Martinez and against
15 Defendant Leroy Baca, awarding Plaintiff Rocio Martinez non-economic damages
16 as follows:

17 Past and present non-economic damages: \$750,000

18 Future non-economic damages: \$0

19 TOTAL: \$750,000

20 Now, therefore, pursuant to Rules 54 and 58 of the Federal Rules of Civil
21 Procedure, **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that
22 final judgment in this action be entered as follows:

- 23 1. *On the claims for First Amendment retaliation against Defendant Leroy*
24 *Baca:* Judgment is entered in favor of each Plaintiff and against
25 Defendant Leroy Baca as follows, as well as costs and attorney's fees as
26 provided by law:

27 a. Damages awarded Plaintiff David Waters: \$128,000

28 b. Damages awarded Plaintiff Rocio Martinez: \$798,000

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- c. Damages awarded Plaintiff Kevin Hebert: \$83,000
- d. Damages awarded Plaintiff Charles Antuna: \$96,000
- e. Damages awarded Plaintiff Casey Dowling: \$120,000
- f. Damages awarded Plaintiff Robert Wheat: \$120,000
- g. Damages awarded Plaintiff Louis Duran: \$120,000
- h. Damages awarded Plaintiff Robert Tubbs: \$73,000

- 2. *On the claims for First Amendment retaliation against Defendant John Scott:* Judgment is entered in favor of Defendant John Scott, and each Plaintiff shall take nothing on his or her claim against Defendant John Scott by his or her Second Amended Complaint.
- 3. *On Plaintiffs David Waters, Kevin Hebert, Charles Antuna, Casey Dowling, Robert Wheat, Louis Duran, and Robert Tubbs's claim for POBRA violations:* Judgment is entered in favor of Defendant County of Los Angeles, and these Plaintiffs shall take nothing on these claims by their Second Amended Complaint.
- 4. *On Plaintiff Robert Tubbs' claims for FEHA retaliation and failure to protect:* Judgment is entered in favor of Defendant County of Los Angeles, and Plaintiff Robert Tubbs shall take nothing on these claims by his Second Amended Complaint.



Dated: June 24, 2016

MICHAEL W. FITZGERALD
United States District Judge