

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

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

LILIA ABREGO FIGUEROA,
Plaintiff,

v.

CITY OF LOS ANGELES, LOS ANGELES POLICE DEPARTMENT; MAYOR ERIC GARCETTI, in his individual and official capacity; CHIEF CHARLIE BECK of the Los Angeles Police Department, in his individual and official capacity; SERGEANT ROBERT CALDERON of the Los Angeles Police Department in his individual and official capacity; SERGEANT JEFF MARES of the Los Angeles Police Department officer in his individual and official capacity; and DOES 1through 10, Inclusive,
Defendants.

CASE NO. CV15-01472 BRO (JEMx)
Hon. Beverly Reid O’Connell - Ctrm. 7C, 7th Fl.
Hon. Mag. John E. McDermott - Ctrm. C, 8th Fl.

JUDGMENT

This action came on regularly for trial on February 21, 2017, in Courtroom “7C” of the United States District Court, Central District of California, Central Division, the Honorable Beverly Reid O’Connell, Judge Presiding. The Plaintiff LILIA ABREGO FIGUEROA, was represented by attorneys Shanta Driver and Ronald Cruz. The Defendants CITY OF LOS ANGELES, CHIEF CHARLIE BECK,

1 SERGEANT ROBERT CALDERON and SERGEANT JEFF MARES were present
2 and represented by attorneys Colleen R. Smith and Cory M. Brente.

3 The trial was bifurcated, with phase I addressing liability and compensatory
4 damages only.

5 A jury of 8 persons was regularly impaneled and sworn on February 21, 2017.
6 Witnesses were sworn and testified. On March 2, 2017, following the presentation of
7 evidence and argument during a jury trial, the jury, in the above-entitled action,
8 UNANIMOUSLY found as follows:

9
10 **JUDGMENT ON SPECIAL VERDICT**

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

13
14 **CLAIMS BY ABREGO PLAINTIFFS AGAINST DEFENDANTS**

15
16 (QUESTION NOS. 2 through 10 solely address claims brought in the related matter
17 of *Maria Teresa Abrego, et al., v. City of Los Angeles, et al.*, CV15-00039 BRO
18 (JEMx) only, and thus, are omitted from the judgment herein.)

19
20 **QUESTION NO. 1:** Have the Abrego Plaintiffs proved that any of the following
21 Defendants violated Omar Abrego’s Fourth Amendment Constitutional Rights by
22 using excessive force to detain him?

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

24	SERGEANT JEFF MARES	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
25	SERGEANT ROBERTO CALDERON	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

26
27 *If you answered “No” as to each of the Defendants, skip to Question No. 3.*

28 *If you answered “Yes” as to any Defendant, proceed to Question No. 2.*

1 **CLAIMS BY PLAINTIFF FIGUEROA AGAINST DEFENDANTS**

2 **QUESTION NO. 11:** *If you gave only “No” responses to Question No. 1, please*
3 *proceed to Question No. 13. If you gave any “Yes” responses to Question No. 1,*
4 *please answer the following question. Has Plaintiff Figueroa proved that any of the*
5 *following Defendants violated her Fourteenth Amendment Constitutional Rights to a*
6 *familial association with Omar Abrego by using unreasonable force to detain him and*
7 *with an unlawful purpose to harm him?*

8 *Answer (check “Yes” or “No”) following the name of each Defendant for*
9 *whom you answered “Yes” in Question No. 1:*

10 SERGEANT JEFF MARES YES _____ NO ✓
11 SERGEANT ROBERTO CALDERON YES _____ NO ✓

12 *If you answered “No” as to each of the Defendants, skip to Question No. 13.*
13 *If you answered “Yes” as to any Defendant, proceed to Question No. 12.*

14
15 **QUESTION NO. 12:** For each “Yes” response to Question No. 11, do you find that
16 Plaintiff Figueroa has proved that the Defendant’s conduct was the cause of injury to
17 her?

18 *Answer (check “Yes” or “No”) following the name of only that Defendant for whom*
19 *you answered “Yes” in Question No. 11:*

20 SERGEANT JEFF MARES YES _____ NO _____
21 SERGEANT ROBERTO CALDERON YES _____ NO _____

22
23 *Please proceed to Question No. 13.*

24
25 **QUESTION NO. 13:** Has Plaintiff Figueroa proved under California law that the
26 following Defendant intentionally inflicted emotional distress on her?

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

28 SERGEANT ROBERTO CALDERON YES _____ NO ✓

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

2 *If you answered "Yes" as to any Defendant, proceed to Question No. 14.*

3

4 **QUESTION NO. 14:** For each "Yes" response to Question No. 13, do you find that
5 Plaintiff Figueroa has proved that the Defendant's conduct was a substantial factor in
6 causing her harm?

7 *Answer (check "Yes" or "No") if you answered "Yes" in Question No. 13:*

8 SERGEANT ROBERT CALDERON YES _____ NO _____

9

10 *Please proceed to Question No. 15.*

11

12 **QUESTION NO. 15:** Has Plaintiff Figueroa proved that the following Defendant
13 negligently inflicted emotional distress on her?

14 *Answer (check "Yes" or "No"):*

15 SERGEANT ROBERTO CALDERON YES _____ NO ✓

16

17 *If you answered "No", skip to Question No. 17.*

18 *If you answered "Yes", proceed to Question No. 16.*

19

20 **QUESTION NO. 16:** For each "Yes" response to Question No. 15, do you find that
21 Plaintiff Figueroa has proved that the Defendant's conduct was a substantial factor in
22 causing her harm?

23 *Answer (check "Yes" or "No") if you answered "Yes" in Question No. 14:*

24 SERGEANT JEFF MARES YES _____ NO _____

25

26 *Please proceed to Question No. 17.*

27

28

1 **DAMAGES AS TO PLAINTIFF FIGUEROA ONLY**

2
3 *If you gave any "Yes" responses to either Question Nos. 12, 14 and/or 16 please*
4 *answer the following questions. Otherwise, please sign and a date this form where*
5 *indicated below.*

6 **QUESTION NO. 17:** If you gave any "Yes" responses to Question Nos. 12, 14, or
7 16:

8 What is the total amount of economic damages suffered by Plaintiff Figueroa?

9 \$ _____.

10 What is the total amount of noneconomic damages suffered by Plaintiff Figueroa?

11 \$ _____.

12 *Please proceed to Question No. 18.*

13 **QUESTION NO. 18:** If you gave any "Yes" responses to Question No. 12, has
14 Plaintiff Figueroa proved by a preponderance of the evidence that any of the following
15 Defendants acted with malice, fraud or oppression?

16 *Answer (check "Yes" or "No") following the name of only that Defendant for
17 whom you answered "Yes" in Question No. 12:*

18 SERGEANT JEFF MARES YES _____ NO _____

19 SERGEANT ROBERT CALDERON YES _____ NO _____

20 *Please proceed to Question No. 19.*

21
22 **QUESTION NO. 19:** If you gave any "Yes" responses to Question No. 14, has
23 Plaintiff Figueroa proved by clear and convincing evidence that the following
24 Defendants acted with malice, oppression or fraud when they intentionally inflicted
25 emotional distress?

26 *Answer (check "Yes" or "No") if you answered "Yes" in Question No. 14:*

27 SERGEANT ROBERT CALDERON YES _____ NO _____

1 *Please proceed to Question No. 20.*

2

3 **QUESTION NO. 20:** *If you gave any “Yes” answers to Question No. 15 and you*
4 *entered any amounts in response to Question No. 17, what percentage of*
5 *responsibility for Plaintiff Figueroa’s harm do you assign to each of the following*
6 *persons (Do not include any Defendant for whom you did not answer “Yes” in*
7 *Question No. 15)?*

8 LILIA FIGUEROA _____%

9 SERGEANT ROBERT CALDERON _____%

10 **TOTAL 100%**

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

12

13 DATED: 3/2/17 _____/s/_____

14 FOREPERSON OF THE JURY

15

16 By reason of dismissals, the rulings of the Court, and the special verdict,
17 Defendants CITY OF LOS ANGELES, CHIEF CHARLIE BECK, SERGEANT
18 ROBERT CALDERON and SERGEANT JEFF MARES are entitled to judgment
19 against Plaintiff LILIA ABREGO FIGUEROA.

20 Now, therefore, it is ORDERED, ADJUDGED AND DECREED that Plaintiff
21 LILIA ABREGO FIGUEROA, have and recover nothing by reason of each and all
22 her claims as set forth in the Complaint against Defendants CITY OF LOS
23 ANGELES, CHIEF CHARLIE BECK, SERGEANT ROBERT CALDERON and
24 SERGEANT JEFF MARES and that Defendants shall recover their costs in
25 accordance with Local Rule 54.

26

27


28

1 **JUDGMENT IS HEREBY ENTERED IN FAVOR OF ALL DEFENDANTS ON**
2 **ALL CLAIMS AGAINST PLAINTIFF LILIA ABREGO FIGUEROA.**

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

IT IS SO ORDERED.

DATED: May 11, 2017

Bv: 

Honorable Beverly R. O'Connell
United States District Court Judge