

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

JS-6

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

CHINACAST EDUCATION CORP.,
Plaintiff,
v.
CHEN ZHUO GUO, ET AL.,
Defendants.

Case No. 2:15-cv-05475-AB (Ex)
FINAL JUDGMENT

1 This action came on regularly for trial between January 8, 2019, and January 15,
2 2018, in Courtroom 7B of this United States District Court, the Honorable André Birotte
3 Jr. presiding. The Plaintiff ChinaCast Education Corporation (“ChinaCast”) appeared by
4 attorneys James P. Menton of Robins Kaplan LLP and Rachel S. Fleishman, Gregory S.
5 Schwegmann and Keith Y. Cohan of Red Collins and Tsai LLP. Defendants Zhuoguo
6 Chen and Huan Wang appeared by Rod Pacheco and Brian Neach of Pacheco & Neach
7 P.C.

8 A jury of eight persons was regularly empaneled and sworn. Witnesses were
9 sworn and testified, and documentary evidence was introduced and received into
10 evidence. After hearing the evidence and arguments of counsel, seven of the eight
11 members of the jury were duly instructed by the Court and the case was submitted to the
12 jury. The seven jurors deliberated and thereafter returned the following special verdict:

13 **JURY VERDICT**

14 We, the jury, unanimously agree to the answers to the following questions and return
15 them under the instructions of this court as our verdict in this case:

16 **I. CONVERSION**

17 **Question No.1:** Did ChinaCast prove by a preponderance of the evidence that Defendant
18 Zhuoguo Chen or Defendant Huan Wang is liable to ChinaCast for conversion?
19

20 (a) Zhuoguo Chen _____ Yes X No

21 (b) Huan Wang _____ Yes X No

22 *If you answered “Yes” to Question 1(a) and/or Question 1(b), then answer Question 2.*

23 *If you answered “No” to question 1(a) and Question 1(b), skip Question 2, and answer
24 Question 3.*

25 **Question No.2:** Where did ChinaCast’s claim for conversion arise? **(Choose One.)**

26 (a) Hong Kong _____

27 (b) China _____

28 *If you answered Question 2, proceed to answer Question 3.*

1 **II. MONEY HAD AND RECEIVED**

2 **Question No. 3:** Did ChinaCast prove by a preponderance of the evidence that Defendant
3 Zhuoguo Chen or Defendant Huan Wang is liable to ChinaCast for money had and
4 received?

5 (a) Zhuoguo Chen _____ Yes X No

6 (b) Huan Wang _____ Yes X No

7 *If you answered “Yes” to Question 3(a) and/or Question 3(b), then answer Question 4.*
8 *If you answered “Yes” to Question 1(a) and/or Question 1(b) and “No” to Questions 3(a)*
9 *and Question 3(b), skip Question 4, then answer Question 5. If you answered “No” to all*
10 *of the following: Question 1(a), Question 1(b), Question 3(a), and Question 3(b), then*
11 *stop here, answer no further questions, and have the presiding juror sign and date this*
12 *form.*

12 **Question No.4:** Where did ChinaCast’s claim for money had and received arise? **(Choose One.)**

13 (a) Hong Kong _____

14 (b) China _____

15 *If you answered Question 4, then answer Question 5.*

16
17 **III. DAMAGES**

18 **Question No. 5:** What amount do you award ChinaCast against Defendants on its claim
19 for conversion and/or claim for money had and received?

20 Zhuoguo Chen \$ _____

21 Huan Wang \$ _____

22 *If you answered Question 5 and found ChinaCast proved any damages, answer Question*
23 *6. If you answered Question 5 and you found ChinaCast did not prove any damages, then*
24 *stop here, answer no further questions, and have the presiding juror sign and date this*
25 *form.*

26 **Question No.6:** Is ChinaCast entitled to receive prejudgment interest on any of the
27 damages that you awarded in Question 5?

28 Yes _____

 No _____

1 By: /s/ [name redacted]

Date: 1/15/2019

2 Presiding Juror

3 On March 6, 2017, the Court granted summary judgment in favor of Defendant
4 Zhuoguo Chen on Plaintiff ChinaCast Education Corporation's claims of fraud, aiding
5 and abetting fraud, and aiding and abetting breach of fiduciary duty.

6 On January 15, 2019, following the jury's verdict, the Court found in favor of
7 Defendants Zhuoguo Chen and Huan Wang on Plaintiff ChinaCast Education
8 Corporation's claim of unjust enrichment.

9
10 By reason of the verdict, orders, and ruling above, **NOW THEREFORE, IT IS**
11 **ORDERED, AJUDGED, AND DECREED** that:

- 12 1. Judgment is hereby entered in favor of Defendant Zhuoguo Chen on Plaintiff
13 ChinaCast Education Corporation's claims of fraud, aiding and abetting fraud,
14 and aiding and abetting breach of fiduciary duty;
- 15 2. Judgment is hereby entered in favor of Defendants Zhuoguo Chen and Huan
16 Wang on Plaintiff ChinaCast Education Corporation's claims of conversion,
17 money had and received, and unjust enrichment;
- 18 3. Defendants Zhuoguo Chen and Huan Wang shall recover from ChinaCast
19 Education Corporation their costs of suit incurred herein to an award of
20 \$ _____, to be taxed by the Clerk of Court.

21 **IT IS SO ORDERED AND ENTERED. JUDGMENT IS DEEMED**
22 **ENTERED AS OF THE DATE SET FORTH BELOW.**

23
24 Dated: February 26, 2019



25 Hon. André Birotte Jr.
26 United States District Court Judge