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JS-6

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, EASTERN DIVISION

REANNA HERMOSILLO, as guardian ad litem to C.E.L.R., a minor, individually and as successor-in-interest; B.I.R., a minor, individually and as successor-in-interest; D.R.R., a minor, individually and as successor-in-interest; and J.I.H., a minor, individually and as successor-in-interest to decedent ENRIQUE CARLOS RODARTE,

Plaintiffs,

v.

THE COUNTY OF SAN BERNARDINO, THE CITY OF VICTORVILLE, and as DOE 1-DETECTIVE BRAD BONNET, individually and in his capacity as a detective in the San Bernardino County Sheriff's Department; DOE 2-DEPUTY PAUL CASAS, individually and in his capacity as a deputy in the San Bernardino County Sheriff's Department; DOE 3- DEPUTY JASON FORTIER, individually and in his

Case No. 5:15-EDCV-00033-DTB

[Assigned to Hon. David T. Bristow]

~~[PROPOSED]~~ JUDGMENT ON SPECIAL VERDICT

capacity as a deputy in the San Bernardino County Sheriff's Department; DOE 4-DEPUTY DAVID PAGE, individually and in his capacity as a deputy in the San Bernardino County Sheriff's Department; DOE 5- SERGEANT JOHN WALKER, individually and in his capacity as a Sergeant in the San Bernardino County Sheriff's Department; DOE 6 - COMMANDER LIEUTENANT HECTOR GOMEZ, individually and in his capacity as a Lieutenant and Commander of the S.E.D. in the San Bernardino County Sheriff's Department; DOE 7 - CAPTAIN GREGG HERBERT, individually and in his capacity as a Captain in the San Bernardino County Sheriff's Department; DOE 8-SHERIFF JOHN MCMAHON, individually and in his capacity as Sheriff of the County of San Bernardino and DOES 9-10, inclusive, individually.

Defendants.

This action came on regularly for trial on March 13, 2017, in Courtroom 3 of the United States District Court, before the Honorable David T. Bristow, United States Magistrate Judge. Plaintiffs were represented by the Law Offices of Mark R. Pachowicz, by Mark R. Pachowicz and Jennie Hendrickson. Defendants were represented By Manning & Kass Ellrod, Ramirez, Tester, LLP, by Eugene P. Ramirez, Martin D. Holly, and Kayleigh A. McGuiness.

A jury of 8 persons was impaneled and sworn. Trial proceedings took place on March 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, and 27. On March 27, 2017, the jury returned with its special verdict consisting of questions submitted to the jury and the answers given thereto by the jury. The jury found in favor of all Defendants on all claims as follows:

"We the jury now reach our unanimous verdict on the following questions submitted to us.

Answer the questions below unless the directions advise you not to answer a specific question.

We, the jury in the above-entitled case, find as follows:

Please answer separately as to EACH defendant.

EXCESSIVE OR UNREASONABLE FORCE

Question 1: Did plaintiffs prove any of the following defendants, while acting under color of law, used excessive or unreasonable force against decedent Enrique Carlos Rodarte?

Bonnet	YES	NO X
Casas	YES	NO X
Fortier	YES	NO X
Page	YES	NO X
Walker	YES	NO X

If you answered `yes " as to any of the defendants in Question 1, please proceed to Question 2. Otherwise, please proceed to Question 3.

Please answer separately as to EACH defendant.

Question 2: Was the use of excessive or unreasonable force by any defendant, the moving cause of injury, damage, loss, or harm to Enrique Carlos Rodarte?

Bonnet	YES	NO X
Casas	YES	NO X
Fortier	YES	NO X
Page	YES	NO X
Walker	YES	NO X

Please proceed to Question 3.

SUBSTANTIVE DUE PROCESS

Question 3: Did plaintiffs prove that the conduct of any of the individual deputies

denied due process to plaintiffs?

Bonnet	YES	NO X
Casas	YES	NO X
Fortier	YES	NO X
Page	YES	NO X
Walker	YES	NO X

Please proceed to Question 4.

NEGLIGENCE

Question 4: Did plaintiffs prove the following defendant(s) negligently caused the death of Enrique Carlos Rodarte? Please answer separately as to each defendant.

Bonnet	YES	NO X
Casas	YES	NO X
Fortier	YES	NO X
Page	YES	NO X
Walker	YES	NO X
Gomez	YES	NO X

If you answered "yes" as to any defendant in Question 4, please proceed to Question 5. If you answered "no" as to all defendants in Question 4, please proceed to Question 7.

Question 5: As to any defendant to which you responded "yes" in Question 4, did plaintiffs prove that the following defendant(s)'conduct was a substantial factor in negligently causing the death of Enrique Carlos Rodarte?

Bonnet	YES	NO
Casas	YES	NO
Fortier	YES	NO

Page	YES	NO
Walker	YES	NO
Gomez	YES	NO

Please proceed to Question 6.

Question 6: As to any defendant (s) to which you answered "yes" in Questions 4 and 5, what is the percentage of each person's negligence? Only place a percentage amount by the names of any defendant found to be negligent in Question 5. If you find that Enrique Carlos Rodarte contributed to his death, what was his percentage of responsibility? The final total must equal 100%.

Bonnet	_____%
Casas	_____%
Fortier	_____%
Page	_____%
Walker	_____%
Gomez	_____%
Rodarte	_____%
Total:	100%

Please proceed to Question 7.

Question 7: If you answered "yes" to any defendant in response to Questions 2 or 3, what is the amount of decedent's damages for the loss of enjoyment of life experienced, the mental, physical, and emotional pain and suffering experienced prior to death, and the nature and extent of his injuries; and plaintiffs' damages for the loss of the decedent's love, companionship, comfort, care, assistance, protection, affection, society, and moral support?

$ 0

Please proceed to Question 8.

Question 8: If you answered "yes" to any defendant in response to Question 5, what is the total amount of damages incurred by each plaintiff as a result of defendant(s)' conduct for the loss of the decedent's love companionship, comfort, care, assistance, protection, affection, society, moral support; and the loss of the decedent's training and guidance?

C.E.L.R.	$	0
B.I.R.	$	0
D.R.R.	$	0
J.I.H.	$	0
TOTAL	$	0

Please proceed to Question 9.

Question 9: As to the excessive or unreasonable force claim or the substantive due process claim, was the conduct of any of the following defendants malicious, oppressive, or in reckless disregard of Enrique Carlos Rodarte's rights? Please answer separately as to each defendant.

Bonnet	YES	NO X
Casas	YES	NO X
Fortier	YES	NO X
Page	YES	NO X
Walker	YES	NO X

Please proceed to Question 10:

Question 10: As to the negligence claim, was the conduct of any of the following defendants malicious, oppressive, or in reckless disregard of plaintiffs 'rights? Please answer separately as to each defendant.

Bonnet	YES	NO X
Casas	YES	NO X
Fortier	YES	NO X
Page	YES	NO X
Walker	YES	NO X
Gomez	YES	NO X

Please date, sign and return this form.

Dated: 3/27/17 Signed: ____/s/_____
Jury Foreperson"

WHEREFORE, and by virtue of the law, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that Judgment is entered in favor of Defendants COUNTY OF SAN BERNARDINO, CITY OF VICTORVILLE, DETECTIVE BRAD BONNET; DEPUTY PAUL CASAS, DEPUTY JASON FORTIER, DEPUTY DAVID PAGE, SERGEANT JOHN WALKER, and COMMANDER LIEUTENANT HECTOR GOMEZ and as against Plaintiffs REANNA HERMOSILLO, as guardian ad litem to C.E.L.R., a minor, individually and as successor-in-interest; B.I.R., a minor, individually and as successor-in-interest; D.R.R., a minor, individually and as successor-in-interest; and J.I.H., a minor, individually and as successor-in-interest to decedent ENRIQUE CARLOS RODARTE, and plaintiffs shall recover nothing.

Defendants are entitled to costs pursuant to a Cost Memorandum to be filed by Defendants.

DATED: April 19, 2017

David T. Bristow
United States Magistrate Judge