

1 On September 5, 2017, and by way of stipulation of the parties, Plaintiff
2 Randy Conan voluntarily dismissed his Second Claim for Relief (“Unreasonable
3 Search and Seizure—Denial of Medical Care (42 U.S.C. § 1983)”). Dkt. No. 114.

4 On October 3, 2017, former Defendants Kurtis Schlotterbeck, Adam
5 Clabaugh, Matthew Roth, Steven Bechtold, and Bradley Guith were ordered
6 dismissed from this action. Dkt. No. 156.

7 On October 6, 2017, the Court ordered bifurcation of trial such that Plaintiff
8 Randy Conan’s Third, Fourth, and Fifth Claims for Relief for “Municipal Liability”
9 against the City of Fontana, Plaintiff Randy Conan’s compensatory damages,
10 amount of punitive damages, and Plaintiff Xylina Conan’s Eighth Claim for Relief
11 for “Loss of Consortium” would be tried only if Plaintiff Randy Conan achieved a
12 unanimous verdict in his favor on his First Claim for Relief for “Excessive Force,”
13 Sixth Claim for Relief for “Battery,” and/or Seventh Claim for Relief for
14 “Negligence.” Dkt. No. 158.

15 Phase I of this bifurcated action came on regularly for trial on October 24,
16 2017, in Courtroom 4 of the United States District Court, Central District of
17 California, Eastern Division, located at 3470 Twelfth Street, Riverside, California,
18 the Hon. Kenly Kiya Kato, presiding. Plaintiff Randy Conan appeared by attorneys
19 Marjorie Barrios and Alfred R. Hernandez. Defendants Joshua Patty and the City of
20 Fontana appeared by attorneys S. Frank Harrell and Jesse K. Cox. A jury of eight
21 persons was regularly impaneled and sworn. Pursuant to this Court’s order of
22 October 6, 2017, Dkt. No. 158, the case proceeded with Phase I of trial limited to
23 Plaintiff Randy Conan’s First Claim for Relief for “Excessive Force” against Joshua
24 Patty, Plaintiff Randy Conan’s Sixth Claim for Relief for “Battery” against Joshua
25 Patty, and Plaintiff Randy Conan’s Seventh Claim for Relief for “Negligence”
26 against Joshua Patty and the City of Fontana.

27 After hearing all of the evidence, the Court duly instructed the jury, and the
28 cause was submitted to the jury. On October 30, 2017, the jury returned into Court

1 with a unanimous Special Verdict in favor of Defendants Joshua Patty and the City
2 of Fontana as follows:

3

4 **QUESTION 1:**

5 Did Defendant Patty use excessive or unreasonable force against Plaintiff
6 Randy Conan?

7 _____ YES _____X_____ NO

8 If you answered “Yes” to Question 1, please answer Question 2.

9 If you answer “No” to Question 1, please proceed to Question 4.

10

11 **QUESTION 2:**

12 Was the use of excessive or unreasonable force by Defendant Patty a cause of
13 Plaintiff Randy Conan’s harm?

14 _____ YES _____ NO

15 If you answered “Yes” to Question 2, please answer Question 3.

16 If you answer “No” to Question 2, please proceed to Question 4.

17

18 **QUESTION 3:**

19 Did Defendant Patty act with malice, oppression, or in reckless disregard of
20 Plaintiff Randy Conan’s Fourth Amendment rights?

21 _____ YES _____ NO

22 Please proceed to Question 4.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 **QUESTION 4:**

2 Was Defendant Patty negligent in his conduct towards Plaintiff Randy
3 Conan?

4 _____ YES _____X_____ NO

5 If you answered “Yes” to Question 4, please answer Question 5.

6 If you answered “No” to Question 4, please sign, date, and return the verdict form.

7

8 **QUESTION 5:**

9 Was the negligence of Defendant Patty a cause of Plaintiff Randy Conan’s
10 harm?

11 _____ YES _____ NO

12 If you answered “Yes” to Question 5, please answer Question 6.

13 If you answered “No” to Question 5, please sign, date, and return the verdict form.

14

15 **QUESTION 6:**

16 Was Plaintiff Randy Conan negligent?

17 _____ YES _____ NO

18 If you answered “Yes” to Question 6, please answer Question 7.

19 If you answered “No” to Question 6, please sign, date, and return the verdict form.

20

21 **QUESTION 7:**

22 Was Plaintiff Randy Conan’s negligence a cause of his harm?

23 _____ YES _____ NO

24 If you answered “Yes” to Question 7, please answer Question 8.

25 If you answered “No” to Question 7, please sign, date, and return the verdict form.

26 ///

27 ///

28 ///

1 **QUESTION 8:**

2 Assuming that 100% represents the total negligence of all individuals who
3 caused Plaintiff Randy Conan's harm, what percentage of negligence do you assign
4 to the following?

5 Defendant Patty	_____	%
6 Plaintiff Randy Conan	_____	%
7 Total	100%	

8
9 Please sign and date the verdict form and return it to the Court.

10

11 Date: October 30, 2017



12

Jury Foreperson

13

14 **NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED** as
15 follows:

16 That Defendants Joshua Patty, the City of Fontana, Kurtis Schlotterbeck,
17 Adam Clabaugh, Matthew Roth, Steven Bechtold, and Bradley Guith have
18 Judgment entered in their favor, and that Plaintiffs Randy Conan and Xylina Conan
19 take nothing by way of their operative Complaint against these Defendants;

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

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

That this matter be, and hereby is, dismissed as to Defendants Joshua Patty, the City of Fontana, Kurtis Schlotterbeck, Adam Clabaugh, Matthew Roth, Steven Bechtold, and Bradley Guith with prejudice; and

That Defendants recover their costs of suit from Plaintiffs in accordance with applicable law.

IT IS SO ORDERED.

DATED: November 20, 2017



HON. KENLY KIYA KATO
United States Magistrate Judge

4834-5793-6979, v. 1