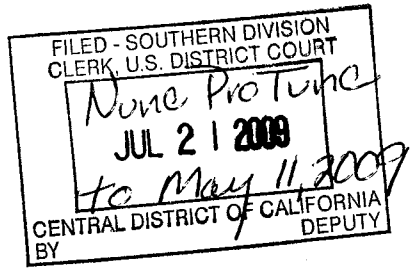


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



JS - 6

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

GUADALUPE MENDOZA and JAVIER MENDOZA, Plaintiffs, vs. COUNTY OF ORANGE, DANIEL MISSEL, ALBERT SEVILLA, and JON AUER , Defendants.) Case No. SACV 03-1186 JVS (Anx) and) SACV 04-00910-JVS (ANX)) JUDGMENT) IN A CIVIL CASE) Ctrm: 10C) Judge: Hon. James V. Selna
---	--

This action came on for trial on March 31, 2009 before the Honorable James V. Selna, District Judge, presiding. John P. Zelbst, Joseph H. Low, IV and Michael R. Marrinan appeared as counsel for plaintiffs. David D. Lawrence and Christina M. Sprenger of Lawrence, Beach, Allen & Choi, P.C. appeared as counsel for defendants.

On March 31, 2009 a jury was impaneled and sworn to try the action. Witnesses were sworn and examined and exhibits entered into evidence.

After hearing the evidence, instructions by the court and arguments of counsel, the jury retired to consider its verdict. On April 24, 2009 the jury returned to court and duly rendered its unanimous special verdicts in writing as follows:

SPECIAL VERDICT – PLAINTIFF GUADALUPE MENDOZA

1 We, the jury in the above entitled action, find the following verdict on the
2 questions submitted to us:

3 **Question No. 1:** Do you find by a preponderance of the evidence that
4 defendant Daniel Missel used unreasonable force on plaintiff Guadalupe Mendoza?
5

6 **Answer "yes" or "no".**

7 Yes _____ No X

8 If you answered "yes" to Question No. 1, answer Question No. 2. If you
9 answered "no" to Question No. 1, please have your Presiding Juror date and sign
10 this form.

11 **Question No. 2:** What do you find by a preponderance of the evidence to be
12 the total amount which will compensate plaintiff Guadalupe Mendoza for this
13 harm?

14 \$ _____

15 **Question No. 3:** Do you find by a preponderance of the evidence that Daniel
16 Missel acted with malice, oppression or reckless disregard to the rights of plaintiff
17 Guadalupe Mendoza?

18 **Answer "yes" or "no".**

19 Yes _____ No _____

20 **Please have your Presiding Juror date and sign this form.**

21 DATED: April 24, 2009

22 /s/ _____
23 PRESIDING JUROR

24
25
26
27 **SPECIAL VERDICT – PLAINTIFF JAVIER MENDOZA**
28

1 We, the jury in the above entitled action, find the following verdict on the
2 questions submitted to us:

3 **Question No. 1:** Do you find by a preponderance of the evidence that one or
4 more defendants used unreasonable force on plaintiff Javier Mendoza?

5 **Answer "yes" or "no".**

6 Daniel Missel Yes

7 Albert Sevilla Yes

8 Jon Auer No

9 If you answered "yes" as to any defendant(s) in Question No. 1, answer
10 Question No. 2. If you answered "no" as to all defendants in Question No. 1, please
11 skip the remaining questions and have your Presiding Juror date and sign this form.

12 **Question No. 2:** What do you find by a preponderance of the evidence to be
13 the total amount which will compensate plaintiff Javier Mendoza for the harm
14 caused by the unreasonable force?

15 \$ 300,000.00

16 **Question No. 3:** As to any defendant for whom you answered "yes" in
17 Question No. 1, do you find by a preponderance of the evidence that the defendant
18 acted with malice, oppression or reckless disregard of the rights of plaintiff Javier
19 Mendoza?

20 **Answer "yes" or "no".**

21 Daniel Missel No

22 Albert Sevilla No

23 Jon Auer _____

24 **Please have your Presiding Juror date and sign this form.**

25 DATED: April 24, 2009 /s/
PRESIDING JUROR

26
27 Based upon the verdict of the jury in this matter:

28 IT IS HEREBY ORDERED, ADJUDGED and DECREED as follows:


1 That judgment be entered in favor of defendants Daniel Missel, Albert Sevilla
2 and Jon Auer against plaintiff Guadalupe Mendoza; and in favor of defendant Jon
3 Auer against plaintiff Javier Mendoza.

4 That Plaintiff Javier Mendoza have and recover \$ 300,000.00 in compensatory
5 damages from defendants Daniel Missel and Albert Sevilla, jointly and severally.

6 That any costs, attorneys fees and prejudgment interest as the Court may deem
7 to be recoverable be reserved and determined by the Court at a further hearing.

8 **IT IS SO ORDERED.**

9 Dated: May 11, 2009

10 
11 Honorable James V. Selna
12 United States District Judge

13
14 Submitted by:

15
16 /s/ Michael R. Marrinan
17 Attorney for Plaintiffs