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JS-6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION

ANDREW TREVOR CLARKE,  
Plaintiff,  
vs.  
CARY TONG and JAMES BOLDEN  
individually and as a peace officers,  
Defendants.

CASE NO. SACV12 373 JLS (JPRx)

**JUDGMENT**

Trial: October 8, 2013

On August 26, 2013, pursuant to this Court’s Minute Order granting, in part, Defendants City of Fullerton, Michael Sellers and Officers Cary Tong and James Bolden’s Rule 56 Motion this Court granted judgment in favor of City of Fullerton and Michael Sellers on plaintiff Andrew Trevor Clarke’s *Monell* claim pursuant to 42 U.S.C. §1983.

Thereafter, on October 11, 2013, on Special Verdict, the jury found in favor of Defendants Officers Cary Tong and James Bolden as follows,

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///  
///



1           **Question # 1:** Did Cary Tong retaliate against Andrew Trevor Clarke  
2 because Andrew Trevor Clarke was exercising his First Amendment right?

3                           \_\_\_\_\_ YES                           \_\_\_\_\_x\_\_\_\_\_ NO  
4

5           **Question # 2:**

6 Did Cary Tong use excessive force against Andrew Trevor Clarke?

7                           \_\_\_\_\_ YES                           \_\_\_\_\_x\_\_\_\_\_ NO  
8

9           **Question # 3:**

10 Did James Bolden use excessive force against Andrew Trevor Clarke?

11                           \_\_\_\_\_ YES                           \_\_\_\_\_x\_\_\_\_\_ NO  
12

13                   **PURSUANT TO THIS COURT’S MINUTE ORDER OF AUGUST 26,**  
14 **2013 FINDING IN FAVOR OF CITY OF FULLERTON AND MICHAEL**  
15 **SELLERS,**

16           IT IS HEREBY ORDERED, ADJUDGED AND DECREED Defendants City  
17 of Fullerton and Michael Sellers shall have judgment entered in their favor on  
18 plaintiff Andrew Trevor Clarke’s *Monell* claim pursuant to 42 U.S.C. §1983; and

19                   **PURSUANT TO THE JURY’S VERDICT OF OCTOBER 11, 2013**  
20 **FINDING IN FAVOR OF DEFENDANTS OFFICERS CARY TONG AND**  
21 **JAMES BOLDEN,**

22           IT IS HEREBY ORDERED, ADJUDGED AND DECREED Defendants  
23 Officers Cary Tong and James Bolden shall have judgment entered in their favor on  
24 plaintiff Andrew Trevor Clarke’s claim of excessive force pursuant to 42 U.S.C.  
25 §1983; and

26           IT IS HEREBY ORDERED, ADJUDGED AND DECREED Defendant Cary  
27 Tong shall have judgment entered in his favor on plaintiff Andrew Trevor Clarke’s  
28 claim of Violation of Andrew Trevor Clarke’s rights under the First Amendment

1 pursuant to 42 U.S.C. §1983; and

2 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Andrew  
3 Trevor Clarke take nothing and Defendants City of Fullerton, Michael Sellers, Cary  
4 Tong and James Bolden shall recover costs of suit.

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7 DATED: October 22, 2013



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UNITED STATES DISTRICT COURT JUDGE

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