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

FERMIN VINCENT VALENZUELA,

Plaintiff,

v.

CITY OF ANAHEIM, *et al.*,

Defendants.

**VINCENT VALENZUELA and
XIMENA VALENZUELA by and
through their guardian PATRICIA
GONZALEZ,**

Plaintiffs,

v.

CITY OF ANAHEIM, *et al.*,

Defendants.

**Case No.: SACV 17-00278-CJC (DFMx),
consolidated with
SACV 17-02094-CJC (DFMx)**

JUDGMENT ON JURY VERDICT

1 This action came on regularly for trial on November 12, 2019 in Courtroom 7C of
2 the United States District Court, Central District of California before the Court and a jury,
3 the Honorable Judge Cormac J. Carney presiding.
4

5 A jury of eight persons was regularly empaneled and sworn. Witnesses were
6 sworn and testified. After hearing the evidence and arguments of counsel, the jury was
7 duly instructed by the Court and the case was submitted to the jury. The jury deliberated
8 and thereafter returned a verdict on Phase I on November 18, 2019, and on Phase II on
9 November 20, 2019 as follows:
10

11 **PHASE I VERDICT**
12

13 **Question 1:** Did Officer Woojin Jun or Officer Daniel Wolfe use excessive or
14 unreasonable force against Fermin Vincent Valenzuela Junior in violation of his
15 constitutional rights under the Fourth Amendment?
16

17 Officer Woojin Jun X Yes. No.

18 Officer Daniel Wolfe X Yes. No.
19

20
21 **Question 2:** Is Sergeant Daniel Gonzalez liable as a supervisory defendant for the
22 unlawful actions of Officer Woojin Jun or Officer Daniel Wolfe?
23

24 X Yes. No.
25
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1 **Question 3:** Is the City of Anaheim liable for the actions of any of its defendant police
2 officers based on an unlawful official policy, practice, or custom of the Anaheim Police
3 Department?

4
5 Yes. No.

6
7 **Question 4:** Is the City of Anaheim liable for the actions of any of its defendant police
8 officers based on the Anaheim Police Department's failure to train?

9
10 Yes. No.

11
12 **Question 5:** Did any of the defendant police officers act with a purpose to harm
13 unrelated to legitimate law enforcement objectives in violation of Plaintiffs' substantive
14 due process rights to familial relations under the Fourteenth Amendment?

15
16
17 Officer Woojin Jun Yes. No.

18 Officer Daniel Wolfe Yes. No.

19 Sergeant Daniel Gonzalez Yes. No.

20
21
22 **Question 6:** Did any officer use unreasonable force and commit battery under state law?

23 Officer Woojin Jun Yes. No.

24 Officer Daniel Wolfe Yes. No.

25 Sergeant Daniel Gonzalez Yes. No.

1 **Question 12:** What percentage of fault do you assign for the negligence?

2 Officer Woojin Jun, Officer Daniel Wolfe, ___ 85 ___%

3 and/or Sergeant Daniel Gonzalez

4
5
6 Fermin Vincent Valenzuela Junior ___ 15 ___%

7
8
9 **Question 13:** Did any of the defendant police officers violate Fermin Vincent Valenzuela
10 Junior's rights under California Civil Code § 52.1?

11 Officer Woojin Jun ___ X ___ Yes. ___ No.

12 Officer Daniel Wolfe ___ X ___ Yes. ___ No.

13 Sergeant Daniel Gonzalez ___ X ___ Yes. ___ No.

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16 **PHASE II VERDICT**

17 **Question 1:** What are Fermin Vincent Valenzuela Junior's survival damages for his loss
18 of life and for his pre-death pain and suffering?

19
20 Loss of Life: \$ ___ 3.6 Million _____

21 Pre-death pain and suffering \$ ___ 6 Million _____

22
23
24 **Question 2:** What are Vincent Valenzuela's damages for the past and future loss of
25 Fermin Vincent Valenzuela Junior's love, companionship, comfort, care, assistance,
26 protection, affection, society, moral support, training, and guidance?

27
28 \$ ___ 1.8 Million _____

1 **Question 3:** What are Ximena Valenzuela’s damages for the past and future loss of
2 Fermin Vincent Valenzuela Junior’s love, companionship, comfort, care, assistance,
3 protection, affection, society, moral support, training, and guidance?
4

5 \$ 1.8 Million
6

7 **BASED UPON THE FOREGOING, IT IS ORDERED AND ADJUDGED THAT:**
8

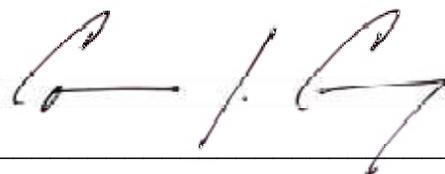
- 9 1. Plaintiffs Vincent Valenzuela and Ximena Valenzuela shall recover from
10 Defendants City of Anaheim, Officer Woojin Jun, Officer Daniel Wolfe and
11 Sergeant Daniel Gonzalez, jointly and severally, the total sum of \$13,200,000,
12 costs in this action, and statutory attorney fees to be determined by the Court. This
13 amount is broken down as follows:
14
15 a. Plaintiffs Vincent Valenzuela and Ximena Valenzuela, as successors in
16 interest to Fermin Vincent Valenzuela Junior, shall recover from Defendants
17 City of Anaheim, Officer Woojin Jun, Officer Daniel Wolfe and Sergeant
18 Daniel Gonzalez, jointly and severally, the total sum of \$9,600,000, and
19 costs in this action, to be determined by the Court.
20
21 b. Plaintiff Vincent Valenzuela shall also recover from Defendants City of
22 Anaheim, Officer Woojin Jun, Officer Daniel Wolfe and Sergeant Daniel
23 Gonzalez, jointly and severally, the sum of \$1,800,000, and costs in this
24 action, to be determined by the Court.
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1 c. Plaintiff Ximena Valenzuela shall also recover from Defendants City of
2 Anaheim, Officer Woojin Jun, Officer Daniel Wolfe and Sergeant Daniel
3 Gonzalez, jointly and severally, the sum of \$1,800,000, and costs in this
4 action, to be determined by the Court.
5

6 2. In addition to the foregoing, and as the prevailing parties on their Fourth
7 Amendment Claim, their Monell Claim and their Bane Act Claim, Plaintiffs are
8 entitled to recover statutory attorney fees and applicable costs, to be determined by
9 the Court.
10

11 3. Plaintiffs Vincent Valenzuela and Ximena Valenzuela shall recover post-judgment
12 interest on all of the above sums at the rate of 1.60% from the date of this
13 Judgment, or \$578.63 per day, for the first year, and compounded annually
14 thereafter, pursuant to 28 U.S.C. § 1961.
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17
18 DATED: December 4, 2019



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21 CORMAC J. CARNEY

22 UNITED STATES DISTRICT JUDGE
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