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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID F. JADWIN, D.O.,)	1:07-cv-0026 OWW DLB
)	
Plaintiff,)	FINAL JUDGMENT
)	
v.)	
)	
COUNTY OF KERN,)	
)	
Defendant.)	
)	
)	

The trial of this case came on for hearing May 14, 2009. The jury returned its verdict, as reflected by the verdicts entered June 8, 2009, incorporated by this reference, in favor of Plaintiff, David F. Jadwin, D.O., and against Kern County on Plaintiff's claims under the FMLA, the CFRA, and the FEHA. The jury awarded damages as follows:

Mental and emotional distress and suffering	\$0.00
Reasonable value of necessary medical care, treatment, and services received to the present time	\$30,192.00
Reasonable value of necessary medical care, treatment and services which with reasonable probability will be required in the future	\$0.00
Reasonable value of earnings and professional fees lost to the present time	\$321,285.00

Reasonable value of earnings and professional fees which with reasonable probability will be lost in the future	<u>\$154,080.00</u>
TOTAL DAMAGES	\$505,457.00

By stipulation, certain of Plaintiff's claims were not submitted to the jury for determination. Instead, as to these claims, the parties agreed that they would be tried by the court sitting without a jury. The claims to be decided by the court sitting without a jury included Plaintiff's claims for interference with his rights under the FMLA/CFRA (as to which Plaintiff sought injunctive relief) and a deprivation of his procedural due process rights under the Fourteenth Amendment (made actionable via 42 U.S.C. § 1983). On August 4, 2009, Findings of Fact and Conclusions of Law were issued on these claims.

As to the FMLA/CFRA claim, it was determined that Plaintiff lacked standing to assert his claim or, assuming standing existed at the time of the operative pleading, the claim had become moot. As to the procedural due process claim, it was determined that Plaintiff's due process rights were violated. Plaintiff was awarded nominal damages.

Accordingly, FINAL JUDGMENT is entered in favor of Plaintiff and against Kern County in the amount of \$505,457, plus \$1 in nominal damages on Plaintiff's due process claim, and any costs as permitted by law.

IT IS SO ORDERED.

Dated: April 30, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE