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Attorney for PLAINTIFF VALERIE ALLEN

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

VALERIE ALLEN, an individual,

Plaintiff,

vs.

CITY OF LOS ANGELES, a municipal  
entity; LOS ANGELES POLICE  
DEPARTMENT, a municipal entity;  
OFFICER N. PHAN, OFFICER BRENT  
HOULIHAN, OFFICER J. BEZAK, and  
DOES 1 through 100, inclusive,

Defendants.

Case No.: 2:10-CV-4695 CAS (RCx)

**[PROPOSED] JUDGMENT ON  
SPECIAL VERDICT**

This action came on regularly for trial on September 18, 2012, in Courtroom 5 of the United States District Court, the Honorable Christina A. Snyder Judge presiding. Plaintiff was represented by Martin Stanley and Gilbert Geilim, and defendant was represented by Richard Arias, Deputy City Attorney for the City of Los Angeles.

A jury of 8 persons was impaneled and sworn. After hearing the evidence and arguments of counsel, and after the jury was instructed by the Court, the claims were

submitted to the jury with instructions to return a special verdict, with the punitive damage phase, if any, bifurcated. The jury deliberated and thereafter returned into Court with its special verdict consisting of questions submitted to the jury and the answers given thereto by the jury, which said verdict was in words and figures as follows, to wit:

“WE, THE JURY, in the above action, unanimously find the following Special Verdict on the following questions submitted to us:

**QUESTION NO. 1**

Do you find by a preponderance of the evidence that defendants used excessive force against plaintiff Valerie Allen:

Joseph Bezak	Yes X	No
Nam H. Phan	Yes	No X
Brent Houlihan	Yes X	No

**QUESTION NO. 2**

Do you find by a preponderance of the evidence that defendants acted negligently and that their negligence was a substantial factor in causing plaintiff Valerie Allen’s injuries:

Joseph Bezak	Yes	No X
Nam H. Phan	Yes	No X
Brent Houlihan	Yes X	No

1           **If you answered Yes to Question 2 for any of the officers, please proceed to**  
2 **Questions 3 and 4.**

3  
4           **If you answered Yes to Questions 1 for any of the officers and No to Questions**  
5 **2 for all of the officers, please proceed to Question 6.**

6  
7           **If you answered No to Questions 1 and 2 as to all defendants, please do not**  
8 **answer any of the remaining questions and sign and date the jury form.**

9  
10  
11 **QUESTION NO. 3**

12           Do you find by a preponderance of the evidence that plaintiff Valerie Allen acted  
13 negligently and that her negligence was a substantial factor in causing her injury:

14  
15           Yes ☒                      No

16  
17 **Please proceed with Question 4 on the next page.**

18 **QUESTION NO. 4**

19           Do you find by a preponderance of the evidence that plaintiff's Orthopedist, Dr.  
20 Mashoof, acted negligently in performing surgery on plaintiff Valerie Allen and that such  
21 negligence was substantial factor in causing her injury:

22  
23  
24           Yes                      No ☒

25 **If you answered Yes to Question 3 and/or 4, please answer Question 5.**

26 **QUESTION NO. 5**  
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28

What percentage of responsibility for plaintiff Valerie Allen's injuries do you assign to:

Joseph Bezak	0%
Nam H. Phan	3%
Brent Houlihan	90%
Valerie Allen	7%
Dr. Mashoof	0%

**If you answered Yes to Question 1 and/or Question 2, please answer Question 6.**

**QUESTION NO. 6**

What is the amount of damages, if any, that plaintiff Valerie Allen incurred as a result of defendant(s) conduct.

Economic Damages:	\$200,000.00
Noneconomic Damages:	\$3,000,000.00

**If you answered Yes to Question 1, please answer Question 7.**

**QUESTION NO. 7**

If you find that Officers Bezak, Phan, and/or Houlihan used excessive force against Plaintiff Valerie Allen, were the officer(s) conduct malicious, oppressive, or in reckless disregard of plaintiff Valerie Allen's constitutional rights?

Joseph Bezak	Yes X	No
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Nam H. Phan Yes No X

Brent Houlihan Yes X No

Dated: September 27, 2012

/s/  
FOREPERSON

THEREAFTER, as a result of the findings on Question no. 7, a punitive damage phase was held, with special verdict as follows:

**“SPECIAL VERDICT FORM: PHASE II**

WE, THE JURY, in the above action, unanimously find the following Special Verdict on the following questions submitted to us:

**QUESTION NO. 1**

What amount of punitive damages, if any, do you award against the defendant(s)?

Joseph Bezak \$1,000.00

Brent Houlihan \$17,500.00

Dated: September 28, 2012

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/s/ \_\_\_\_\_  
FOREPERSON

WHEREFORE, and by virtue of the law, IT IS HEREBY ORDERED,  
ADJUDGED AND DECREED, that Plaintiff Valerie Allen shall recover \$3,200,000.00  
as against Defendants City of Los Angeles, Joseph Bezak and Brent Houlihan, jointly and  
severally, and further that Plaintiff Valerie Allen shall recover an additional \$1,000.00 as  
against Defendant Joseph Bezak, and further that Plaintiff Valerie Allen shall recover an  
additional \$17,500.00 against Defendant Brent Houlihan, together with costs pursuant to  
the costs memorandum, attorneys fees and additional costs pursuant to the motion for  
attorneys fees and costs, and interest at the legal rate.

DATED:

UNITED STATES DISTRICT COURT JUDGE

PREPARED BY:

/S/ MARTIN STANLEY

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MARTIN STANLEY  
Attorney for Plaintiff  
Valerie Allen

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2 APPROVED AS TO FORM AND CONTENT BY:  
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5

6 RICHARD ARIAS  
7 Deputy City Attorney  
8 City of Los Angeles  
9 Attorney for Defendants  
10 City of Los Angeles  
11 Joseph Bezak  
12 Brent Houlihan  
13 Nam H. Phan  
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