

Summary

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SA CV03-00959-CJC(AJWx) Date May 8, 2006

Title Paul D. Harper -v- City of Los Angeles, et al.

Present: The CORMAC J. CARNEY
Honorable

Debra Beard Deborah Parker
Deputy Clerk Court Reporter / Recorder Tape No.

Attorneys Present for Plaintiffs: Etan Lorant Attorneys Present for Defendants: Dale Goldfarb
Joseph Y. Avrahamy

- Proceedings:**
- DEFENDANTS CITY OF LOS ANGELES and BERNARD PARKS' MOTION FOR REMITTITUR (fld 3/6/06)
 - DEFENDANTS CITY OF LOS ANGELES and BERNARD PARKS' MOTION FOR NEW TRIAL (fld 3/6/06)
 - DEFENDANTS CITY LOS ANGELS and BERNARD PARKS' RENEWED MOTION FOR JUDGMENT AS A MATTER OF LAW PURSUANT TO FRCivP 50 (fld 3/6/06)
 - PLAINTIFFS' MOTION FOR ATTORNEYS FEES PURS TO SECTION 1988 (fld 3/6/06)

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BY [Signature] 156

Cause called. Hearing held. Court hears oral argument from counsel Defendants' motion for new trial is denied. Defendants' motion for judgment as a matter of law purs to FRCivP is denied. Defendants' motion for remittitur is denied.

Plaintiffs' motion for attorneys fees is granted as indicated from the Bench. Court will issue final order. ~~Costs to be determined by Clerk.~~

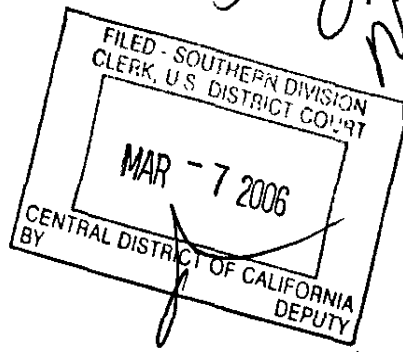
482
Initials of Preparer: 01 : 00
Initials of Deputy Clerk: [Signature]

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3 16530 Ventura Boulevard, Suite 211
4 Encino, California 91436
5 (818) 990-3990
6 e-mail: esq8ton@aol.com

7 Attorneys for Plaintiffs,
8 PAUL D. HARPER and EDWARD ORTIZ

9 Joseph Y. Avrahamy, Esq., SBN: 150885
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12 Encino, California 91436
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14 e-mail: javrahamy@sbcglobal.net

15 Attorneys for Plaintiff,
16 BRIAN D. LIDDY



THIS CONSTITUTES NOTICE OF ENTRY
AS REQUIRED BY FRCP, RULE 77(d)

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2006 FEB 22 PM 12: 51
SA U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SAN FRANCISCO, CALIF.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

16 PAUL D. HARPER, BRIAN D.
17 LIDDY and EDWARD ORTIZ,

18 Plaintiffs,

19 vs.

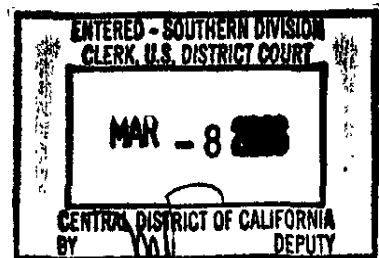
20 CITY OF LOS ANGELES, a
21 Municipality; COUNTY OF LOS
22 ANGELES; BERNARD PARKS;
23 GIL GARCETTI; LAURA
24 LAESECKE; ANNE INGALLS;
25 RAFAEL PEREZ; and DOES
26 1 through 10, Inclusive,

27 Defendants.

CASE NO.: SACV 03-959
CJC (PJWx)

The Hon. Cormac J. Carney
Crtrm: 9B

~~PROPOSED~~ JUDGMENT
ON SPECIAL VERDICT
FOR PLAINTIFF PAUL
D. HARPER



28 This action came on regularly for trial on January 24, 2006, in Courtroom
9B, of the United States District Court, Central District of California, Southern
Division; the Honorable Cormac J. Carney Judge presiding; the Plaintiffs

427

1 appearing by attorneys Joseph Y. Avrahamy and Etan Z. Lorant, and the
2 Defendants appearing by attorneys Dale B. Goldfarb and Colleen R. Smith.

3 A jury of 10 persons was regularly impaneled and sworn. Witnesses were
4 sworn and testified. After hearing the evidence and arguments of counsel, the jury
5 was duly instructed by the Court and the cause was submitted to the jury with
6 directions to return a verdict on the issues. The jury deliberated and thereafter
7 returned into court with its verdict consisting of the issues submitted to the jury
8 and the answers given thereto by the jury, with said verdict was in words and
9 figures as follows, to-wit:

10
11 **VERDICT**

12 1. Were Plaintiff Paul D. Harper's constitutional rights violated?

13 Yes X No _____

14
15 ANSWER: YES 10-0

16
17 If No, sign the verdict.

18 If Yes, proceed to Question Number 2.

19
20 2. Were the constitutional violations caused by the City's policy, custom
21 or pattern?

22 Yes X No _____

23
24 ANSWER: YES 10-0

25
26 If No, sign the verdict.

27 If Yes, proceed to Question Number 3.

3. If you answered Yes to the preceding question, did the violation of the constitutional rights cause damages?

Yes X No

ANSWER: YES 10-0

If No, sign the verdict.

If Yes, proceed to Question Number 4.

4. If you answered Yes to the preceding question, what are Paul D. Harper's damages, if any?

 \$5,000,001.00

5. Did Bernard Parks act with malice, fraud, or oppression towards Paul D. Harper?

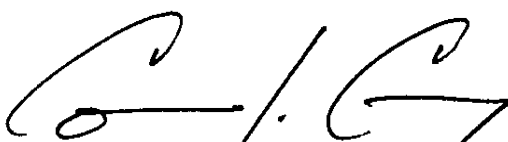
Yes No X

ANSWER: NO 10-0

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

That Plaintiff Paul D. Harper takes \$5,000,001.00 from Defendant City of Los Angeles and Bernard Parks in his official capacity.

Dated: 3/7/06


HONORABLE CORMAC J. CARNEY
UNITED STATES DISTRICT COURT JUDGE

REVISED PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

PAUL D. HARPER, et al. vs. CITY OF LOS ANGELES, et al.

U.S.D.C. CASE NUMBER: SACV 03-959 CJC (PJWx)

I, Marine Pogosyan, am employed in the aforesaid county, State of California; I am over the age of 18 and not a party to the within action; my business address is 16530 Ventura Boulevard, Suite 211, Encino, California 91436.

On February 21, 2006, I served the foregoing document described as **[Proposed] Judgment on Special Verdict for Plaintiff Paul D. Harper** on all of the following interested parties to this action:

Dale B. Goldfarb, Esq.
Colleen R. Smith, Esq.
HARRINGTON, FOXX
DUBROW & CANTER, LLP
1055 West Seventh Street, 29th Floor
Los Angeles, California 90017-2547
(213) 489-3222
(213) 623-7929 (fax)

Attorneys for Defendants
CITY OF LOS ANGELES and
BERNARD PARKS

MAIL: by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail at Encino, California addressed as indicated above. I am readily familiar with our office's practice of collection and processing of correspondence for mailing; it is our practice to deposit correspondence with the United States Postal Service on that same day. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for affidavit.

I declare under penalty of perjury under the law of the State of California that the foregoing is true and correct.

Executed on **February 21, 2006**, at Encino, California.


MARINE POGOSYAN

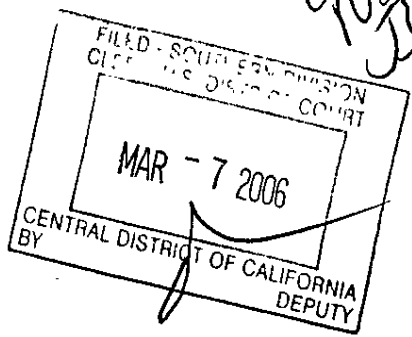
*P. Sund
E. Ortiz
3/3-6*

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2 16530 Ventura Boulevard, Suite 211
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e-mail: esq8ton@aol.com

4 Attorneys for Plaintiffs,
5 PAUL D. HARPER and EDWARD ORTIZ

6 Joseph Y. Avrahamy, Esq., SBN: 150885
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9 e-mail: javrahamy@sbcglobal.net

10 Attorneys for Plaintiff,
11 BRIAN D. LIDDY



THIS CONSTITUTES NOTICE OF ENTRY AS REQUIRED BY FRCP, RULE 77(d)

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2006 FEB 22 PM 12:33

U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

BY *[Signature]*

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

16 PAUL D. HARPER, BRIAN D.
LIDDY and EDWARD ORTIZ,

17 Plaintiffs,

18 vs.

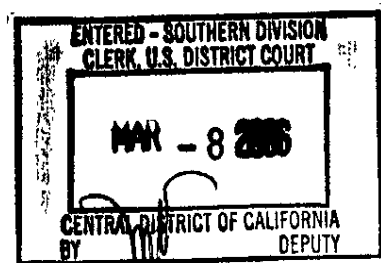
19
20 CITY OF LOS ANGELES, a
Municipality; COUNTY OF LOS
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GIL GARCETTI; LAURA
22 LAESECKE; ANNE INGALLS;
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23 1 through 10, Inclusive,

24 Defendants.

CASE NO.: SACV 03-959
CJC (PJWx)

The Hon. Cormac J. Carney
Crtrm: 9B

**~~PROPOSED~~ JUDGMENT
ON SPECIAL VERDICT
FOR PLAINTIFF BRIAN
D. LIDDY**



25
26 This action came on regularly for trial on January 24, 2006, in Courtroom
27 9B, of the United States District Court, Central District of California, Southern
28 Division; the Honorable Cormac J. Carney Judge presiding; the Plaintiffs

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1 appearing by attorneys Joseph Y. Avrahamy and Etan Z. Lorant, and the
2 Defendants appearing by attorneys Dale B. Goldfarb and Colleen R. Smith.

3 A jury of 10 persons was regularly impaneled and sworn. Witnesses were
4 sworn and testified. After hearing the evidence and arguments of counsel, the jury
5 was duly instructed by the Court and the cause was submitted to the jury with
6 directions to return a verdict on the issues. The jury deliberated and thereafter
7 returned into court with its verdict consisting of the issues submitted to the jury
8 and the answers given thereto by the jury, with said verdict was in words and
9 figures as follows, to-wit:

10
11 **VERDICT**

12 1. Were Plaintiff Brian D. Liddy's constitutional rights violated?

13 Yes X No _____

14
15 ANSWER: YES 10-0

16
17 If No, sign the verdict.

18 If Yes, proceed to Question Number 2.

19
20 2. Were the constitutional violations caused by the City's policy, custom
21 or pattern?

22 Yes X No _____

23
24 ANSWER: YES 10-0

25
26 If No, sign the verdict.

27 If Yes, proceed to Question Number 3.

3. If you answered Yes to the preceding question, did the violation of the constitutional rights cause damages?

Yes X No _____

ANSWER: YES 10-0

If No, sign the verdict.

If Yes, proceed to Question Number 4.

4. If you answered Yes to the preceding question, what are Brian D. Liddy's damages, if any?

\$5,000,001.00

5. Did Bernard Parks act with malice, fraud, or oppression towards Brian D. Liddy?

Yes _____ No X

ANSWER: NO 10-0

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

That Plaintiff Brian D. Liddy takes \$5,000,001.00 from Defendants City of Los Angeles and Bernard Parks in his official capacity.

Dated: 3/7/06


HONORABLE CORMAC J. CARNEY
UNITED STATES DISTRICT COURT JUDGE

REVISED PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

PAUL D. HARPER, et al. vs. CITY OF LOS ANGELES, et al.

U.S.D.C. CASE NUMBER: SACV 03-959 CJC (PJWx)

I, Marine Pogosyan, am employed in the aforesaid county, State of California; I am over the age of 18 and not a party to the within action; my business address is 16530 Ventura Boulevard, Suite 211, Encino, California 91436.

On February 21, 2006, I served the foregoing document described as **[Proposed] Judgment on Special Verdict for Plaintiff Brian D. Liddy** on all of the following interested parties to this action:

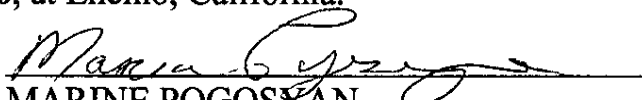
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Los Angeles, California 90017-2547
(213) 489-3222
(213) 623-7929 (fax)

Attorneys for Defendants
CITY OF LOS ANGELES and
BERNARD PARKS

MAIL: by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail at Encino, California addressed as indicated above. I am readily familiar with our office's practice of collection and processing of correspondence for mailing; it is our practice to deposit correspondence with the United States Postal Service on that same day. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for affidavit.

I declare under penalty of perjury under the law of the State of California that the foregoing is true and correct.

Executed on **February 21, 2006**, at Encino, California.


MARINE POGOSYAN

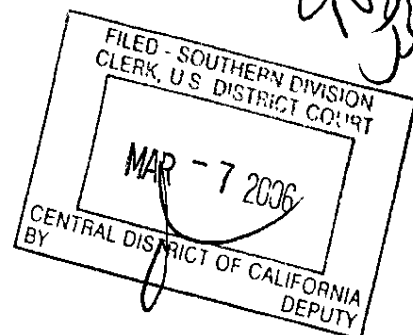
Handwritten signature

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14 e-mail: javrahamy@sbcglobal.net

15 Attorneys for Plaintiff,
16 BRIAN D. LIDDY



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2006 FEB 22 PM 3:50
U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA
BY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

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18 Plaintiffs,

19 vs.

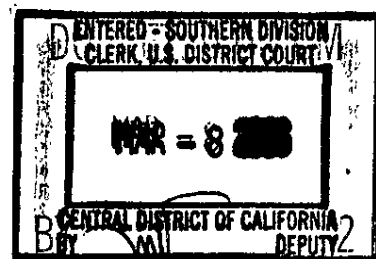
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26 1 through 10, Inclusive,

27 Defendants.

CASE NO.: SACV 03-959
CJC (PJWx)

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**[PROPOSED] JUDGMENT
ON SPECIAL VERDICT
FOR PLAINTIFF EDWARD
ORTIZ**



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1 appearing by attorneys Joseph Y. Avrahamy and Etan Z. Lorant, and the
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7 returned into court with its verdict consisting of the issues submitted to the jury
8 and the answers given thereto by the jury, with said verdict was in words and
9 figures as follows, to-wit:

10
11 **VERDICT**

12 1. Were Plaintiff Edward Ortiz' constitutional rights violated?

13 Yes X No _____

14
15 ANSWER: YES 10-0

16
17 If No, sign the verdict.

18 If Yes, proceed to Question Number 2.

19
20 2. Were the constitutional violations caused by the City's policy, custom
21 or pattern?

22 Yes X No _____

23
24 ANSWER: YES 10-0

25
26 If No, sign the verdict.

27 If Yes, proceed to Question Number 3.

3. If you answered Yes to the preceding question, did the violation of the constitutional rights cause damages?

Yes X No _____

ANSWER: YES 10-0

If No, sign the verdict.

If Yes, proceed to Question Number 4.

4. If you answered Yes to the preceding question, what are Edward Ortiz' damages, if any?

\$5,000,001.00

5. Did Bernard Parks act with malice, fraud, or oppression towards Edward Ortiz?

Yes _____ No X

ANSWER: NO 10-0

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

That Plaintiff Edward Ortiz takes \$5,000,001.00 from Defendants City of Los Angeles and Bernard Parks in his official capacity.

Dated: 3/7/06


HONORABLE CORMAC J. CARNEY
UNITED STATES DISTRICT COURT JUDGE

REVISED PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

PAUL D. HARPER, et al. vs. CITY OF LOS ANGELES, et al.

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