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1 CASE NUMBER: BC470714  
2 CASE NAME: DUVAL V COUNTY OF LOS ANGELES  
3 LOS ANGELES, CALIFORNIA THURSDAY, NOVEMBER 3, 2016  
4 DEPARTMENT: 89 HON. WILLIAM A. MACLAUGHLIN  
5 APPEARANCES: (AS HERETOFORE NOTED.)  
6 REPORTER: ELORA DORINI, CSR NO. 13755  
7 TIME: 4:12 P.M.

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11 THE COURT: WE ARE ON THE RECORD, AND COUNSEL  
12 ARE PRESENT. WE'VE BEEN NOTIFIED THE JURY HAS REACHED  
13 A VERDICT.

14 BEFORE I BRING THE JURORS IN TO RECEIVE THE  
15 VERDICT, I'M GOING TO HAVE TO TALK TO COUNSEL  
16 SEPARATELY FROM THOSE IN THE COURTROOM AND, THEREFORE,  
17 I'M GOING TO HAVE COUNSEL COME INTO CHAMBERS WITH THE  
18 REPORTER.

19 (THE FOLLOWING PROCEEDINGS WERE HELD  
20 IN CHAMBERS OUTSIDE THE PRESENCE OF  
21 THE JURY)

22 THE COURT: WE'RE IN CHAMBERS, AND COUNSEL ARE  
23 PRESENT. JUROR NUMBER 11 SENT A MESSAGE EARLIER THIS  
24 MORNING WHEN YOU WERE NOT HERE.

25 IT WAS NOT A REQUEST FOR ANY INFORMATION, BUT  
26 SHE SENT ME A MESSAGE REMINDING THAT SHE HAD A  
27 PREPLANNED TRIP FOR TOMORROW AND MONDAY AND THAT I HAD  
28 PROMISED HER THAT SHE WOULD BE ABLE TO TAKE THAT TRIP.

1 I THINK THIS CAME UP BEFORE, AND I ACTUALLY DO  
2 NOT HAVE AN INDEPENDENT RECOLLECTION THAT I DID. BUT  
3 I'M NOT DOUBTING IN ANY WAY THAT I WOULD HAVE DONE SO.

4 SO THE REASON I BRING THIS UP AT THIS POINT IS  
5 THAT DEPENDING WHAT THE FINDINGS OF THE JURY ARE,  
6 INCLUDING A FINDING OF MALICE, FRAUD OR OPPRESSION, ON  
7 ANY OF THE CAUSES OF ACTION, THERE WOULD BE A SECOND  
8 PHASE OF THE CASE.

9 AND THE SECOND PHASE, AS I'VE ALREADY TOLD  
10 YOU, IS VERY SHORT. BUT IT'S A PHASE IN WHICH THE  
11 PLAINTIFF WOULD BE REQUIRED TO PRODUCE -- PRESENT  
12 WHATEVER EVIDENCE OF THE NET WORTH OF ANY OF THE  
13 DEFENDANTS AGAINST WHOM THE FINDING MALICE, FRAUD OR  
14 OPPRESSION HAD OCCURRED.

15 IF A JUROR IS SUBSTITUTED FOR ANOTHER IN THE  
16 CASE, THE JURY IS REQUIRED TO BEGIN THEIR DELIBERATIONS  
17 ALL OVER AGAIN.

18 IT'S A QUESTION IN MY MIND IN A SITUATION LIKE  
19 THIS, WHERE THEY WILL HAVE REACHED A DECISION ON ALL  
20 ISSUES THAT HAVE BEEN PRESENTED TO THEM, AS TO WHAT THE  
21 EFFECT WOULD BE, THEN, OF A POTENTIAL PUNITIVE DAMAGE  
22 PHASE.

23 SO I WANTED TO HEAR FROM COUNSEL ON THIS  
24 BECAUSE THERE'S NO QUESTION THAT I NEED TO EXCUSE THAT  
25 JUROR FROM FURTHER PROCEEDINGS. AND I DON'T KNOW.

26 LIKE I SAID, I HAVE NO INFORMATION WHAT THE  
27 VERDICT IS. I HAVE NO IDEA WHETHER THERE'LL BE A  
28 PUNITIVE DAMAGE PHASE OR NOT.

1            BUT A DECISION IS GOING TO HAVE BEEN MADE  
2            WHILE WE'RE IN THE COURTROOM AS TO WHAT'S GOING TO  
3            OCCUR. DO I ORDER THE JURORS BACK? DO WE SUBSTITUTE?  
4            SO I NEED TO HEAR AT THIS TIME YOUR THOUGHTS ON THIS.

5            BECAUSE IF AS A RESULT OF THE -- I THINK THE  
6            RESOLUTION OF THIS ISSUE WOULD -- COULD RESULT IN  
7            DIFFERENT ORDERS THAT I MIGHT MAKE.

8            MR. MCMILLAN: RIGHT.

9            THE COURT: SO I'M HAPPY TO HEAR, FIRST OF  
10           ALL, FROM WHOEVER WANTS TO SPEAK UP, BUT I'LL TALK WITH  
11           THE PLAINTIFF BECAUSE YOU'RE USUALLY THE ONES TO GO  
12           FIRST.

13           MR. MCMILLAN: WHAT WE'RE THINKING, YOUR  
14           HONOR, IS WE ALSO HAVE AN ISSUE WITH HOLLINGSWORTH,  
15           JUROR NUMBER 1, NOT GETTING PAID FOR MONDAY AND  
16           TUESDAY.

17           OUR SUGGESTION WOULD BE IF THE VERDICT DOES  
18           COME IN WITH MALICE, OPPRESSION OR FRAUD, WE DELAY THE  
19           PUNITIVE DAMAGES PHASE UNTIL WEDNESDAY OF NEXT WEEK.  
20           THAT WAY ALTERNATE ISSUES WOULD BE PUT TO BED.

21           THE COURT: I'M NOT SURE WHAT THAT WOULD DO  
22           WITH ALL THE OTHER JURORS BECAUSE WE'RE LONG PAST THE  
23           TIME WE WERE EXPECTING TO SPEND ON THE CASE.

24           BUT I HAVE THOUGHT OF THAT AS A COMPONENT IF  
25           IT DIDN'T RESULT IN US LOSING JURORS THAT WEREN'T ABLE  
26           TO PROCEED, THEN THERE'S NOT MUCH POINT IN MY DOING  
27           THAT.

28           MR. MCMILLAN: YOU CAN ASK THEM.

1 THE COURT: I CERTAINLY CAN ASK THEM.

2 SO MY QUESTION REALLY IS -- AT THIS POINT, I  
3 HAVE TO THINK OF WHAT THE DIFFERENT ALTERNATIVES ARE.  
4 MY QUESTION REALLY IS THAT IT DOES SEEM TO ME THAT THE  
5 FACT THE CASE WAS DIVIDED INTO PHASES DOESN'T CHANGE  
6 THE FACT THAT IT'S THE SAME TRIAL.

7 AND, THEREFORE, MY BELIEF IS TO SUBSTITUTE A  
8 JUROR THAT I COULD NOT -- NO MATTER WHEN I SUBSTITUTE A  
9 JUROR FOR ONE THAT HAS TO LEAVE.

10 AND ASSUMING I DID, THE JURY WOULD THEN HAVE  
11 TO DELIBERATE ALL OVER AGAIN, AND THE ONLY -- AND I'M  
12 LEGALLY -- I CAN'T CITE TO YOU A CASE THAT SAYS THAT,  
13 BUT JUST AS A MATTER OF THINKING ABOUT IT, I DON'T WANT  
14 TO CALL MY THOUGHT PROCESS LOGIC, BUT AT LEAST IN  
15 THINKING ABOUT IT, IT OCCURRED TO ME THAT WHAT I  
16 SAID --

17 I THINK DIVIDING A CASE INTO PHASES DOES NOT  
18 CHANGE THE FACT THAT YOU NEED TO HAVE THE SAME JURY  
19 DECIDE THE ISSUES IN THE CASE WHEN THERE'S A  
20 SUBSTITUTION OF AN ALTERNATE BEFORE THE CASE IS  
21 COMPLETED.

22 I DON'T KNOW ON THIS.

23 MR. MCMILLAN: I'M NOT SURE EITHER. I KNOW  
24 THAT -- I JUST DID, ACTUALLY WITH MR. GOLDSTEIN, A  
25 BIFURCATED TRIAL ON DAMAGES, AND WE'RE GOING TO HAVE  
26 TWO COMPLETELY DIFFERENT JURIES.

27 THE COURT: YOU CAN OFTEN DO THAT, AND  
28 SOMETIMES I'VE DONE THAT TOO, WHERE WE HAVE AN

1 AGREEMENT.

2 FOR EXAMPLE, VERY OFTEN, I HAVE HAD CASES  
3 WHERE THEY WANTED TO DO A LIABILITY PHASE FIRST, AND  
4 THEN BE ABLE TO, ONCE THEY FOUND OUT WHO HAD WHAT  
5 RESPONSIBILITY, DO A LATER PHASE ON DAMAGES.

6 IN THE FEW INSTANCES WHERE THAT ARISES,  
7 THERE'S BEEN AN AGREEMENT AMONG THE ATTORNEYS THAT IT  
8 WOULD BE -- THAT EVERYONE STIPULATED AND AGREED THAT  
9 THEY COULD SELECT A SECOND JURY TO DO THE SECOND PHASE.

10 BUT IN THOSE INSTANCES, NONE OF THE EVIDENCE  
11 IN THE FIRST PHASE OF THE TRIAL NEEDED TO BE HEARD BY  
12 ANYONE IN THE SECOND PHASE OF THE TRIAL, SO THERE ARE  
13 GOOD REASONS FOR IT.

14 SO, WELL, YOU GIVE IT THOUGHT.

15 MR. GUTERRES?

16 MR. GUTERRES: WELL, YOUR HONOR, I GUESS  
17 NUMBER ONE, IT -- THE SOLUTION OR THE OPTION  
18 MR. MCMILLAN HAD SUGGESTED, PRESUMES, I GUESS, TO SOME  
19 DEGREE, THAT JUROR 11 IS WILLING TO COME BACK.

20 MR. MCMILLAN: WELL, YEAH.

21 MR. GUTERRES: DO YOU HAVE ANY INDICATION?

22 THE COURT: CERTAINLY DO, BUT THE MESSAGE ALL  
23 ALONG HAS BEEN THIS FRIDAY, TOMORROW, AND MONDAY.

24 SO I DON'T SEE HOW I COULD -- I BELIEVE I CAN  
25 ORDER HER BACK. I WOULDN'T GO BACK ON MY PROMISE TO  
26 HER, BUT I COULD CERTAINLY ORDER HER BACK. SHE  
27 WOULDN'T HAVE A CHOICE ON THAT.

28 I DO THINK THERE CAN BE AN ISSUE WITH OTHER

1 JURORS BECAUSE OF HARDSHIPS, THE TIMES THERE WOULD  
2 BE -- FOR OTHER JURORS THAT I'D HAVE TO CONSIDER THAT.

3 SO WE STILL HAVE THE ONE ALTERNATE, AND I CAN  
4 USE THAT ONE ALTERNATE. ONCE THE ALTERNATE'S GONE, THE  
5 ONLY WAY WE WOULD BE ABLE TO PROCEED IS IF WE HAD A  
6 STIPULATION TO PROCEEDING WITH SOMETHING LESS THAN 12  
7 JURORS AND HOW MANY JURORS IT WOULD TAKE TO REACH A  
8 VERDICT.

9 SO I HAVEN'T GOTTEN THAT FAR YET BECAUSE WE'RE  
10 NOT DOWN TO THE POINT WHERE WE DON'T HAVE 12 JURORS.  
11 AND MY SIMPLE CONCERN IS, AND ONE OF THE THINGS I'M  
12 THINKING ABOUT, IF SUBSTITUTING A JUROR AT THIS POINT  
13 IN THE CASE --

14 IN OTHER WORDS, AFTER THE JURY HAS A VERDICT,  
15 APPARENTLY, IN PHASE ONE --

16 MR. MCMILLAN: I'M NOT --

17 THE COURT: I HAVE TO CONSIDER NOT TAKING THE  
18 VERDICT AT THIS TIME.

19 MR. MCMILLAN: I'M NOT SURE, YOUR HONOR, THAT  
20 THE PREMISE IS CORRECT ON THE PUNITIVE DAMAGES PHASE.  
21 THERE'S -- CLEARLY, BEFORE A BIFURCATION, A VERDICT  
22 COMES IN, AND IT GETS READ ON LIABILITY.

23 THE SAME JURORS THAT SAT THROUGH THE EVIDENCE  
24 WOULD BE DELIBERATING ON THE PUNITIVE PHASE, IF THERE  
25 IS ONE. I'M NOT SURE THAT THERE'S A REQUIREMENT ON  
26 THAT SORT OF SITUATION THAT THE SAME 12 DELIBERATE ANEW  
27 ON THE ENTIRE THING.

28 THE COURT: LOOK, IF I WAS SURE ON THIS, I

1 WOULDNT'T HAVE YOU IN HERE. SO I'LL READILY CONCEDE A  
2 CERTAIN LACK OF CERTAINTY, BUT LET ME TELL YOU WHAT  
3 CONCERNS ME ABOUT THAT.

4 ONCE THEY MAKE A FINDING OF MALICE, OPPRESSION  
5 OR FRAUD, IF YOU RECALL WHEN WE GAVE THE INSTRUCTION ON  
6 THE PUNITIVE DAMAGE PHASE, AMONG OTHER THINGS THE JUROR  
7 HAS TO CONSIDER IS REPREHENSIBILITY OF THE CONDUCT.

8 AS A MATTER OF FACT, AS I PULL -- I SEE YOU  
9 NODDING YOUR HEAD -- I PULL OUT THE INSTRUCTION -- BUT  
10 I DO THINK THERE ARE ELEMENTS THAT WOULD BE DECIDED IN  
11 THAT PHASE WHICH PRESUPPOSE THAT THE JURY HAS KNOWLEDGE  
12 AND INFORMATION ABOUT WHAT THE PRIOR CONDUCT HAS BEEN  
13 THAT HAS LED TO A FINDING OF MALICE, FRAUD OR  
14 OPPRESSION.

15 MR. MCMILLAN: WELL, THEY ALL SAT THROUGH THE  
16 SAME EVIDENCE.

17 THE COURT: THEY DID, BUT THAT JUROR HASN'T  
18 DELIBERATED ON THOSE ISSUES. THAT JUROR, FOR EXAMPLE,  
19 MAYBE WOULD AGREE THERE'S MALICE, FRAUD OR OPPRESSION,  
20 NIGHT NOT HAVE AGREED THERE'S MALICE, FRAUD OR  
21 OPPRESSION.

22 I HAVE NO WAY OF KNOWING WHAT THAT JUROR WOULD  
23 HAVE DONE, AND HOW POSSIBLY THAT MAY HAVE AFFECTED THE  
24 VOTE ON ANY ISSUE. I'M JUST -- YOU KNOW, WHEN YOU  
25 THINK ABOUT IT, IT'S ALMOST A LAW SCHOOL EXAM QUESTION.

26 UNFORTUNATELY, WHEN I'M TRYING TO GET THIS  
27 OTHER CASE GOING, I'VE BEEN THINKING ABOUT IT AS BEST  
28 AS I CAN DURING THE COURSE OF THE DAY, AND I DON'T



1 HAVE -- I WOULD LIKE TO AVOID THIS RESULT, BUT I'M NOT  
2 SURE THAT I CAN.

3 MR. MCMILLAN: WISH I HAD AN EVENING TO  
4 RESEARCH IT.

5 THE COURT: WELL, GIVEN THE TIME OF DAY AND  
6 HOW QUICKLY YOU CAN GET THAT RESEARCHED, AND GIVEN THE  
7 TIME OF THE DAY, I'M A LITTLE CONCERNED ABOUT BEING  
8 ABLE TO COME UP WITH AN ANSWER.

9 MR. MCMILLAN: WELL, ONE WAY WE COULD WORK  
10 AROUND THAT, IF YOU GUYS ARE WILLING, IS TO JUST STIP  
11 TO WAIVING ANY DEFECT AND SUBSTITUTE ANYONE -- THE  
12 ALTERNATE FOR A PUNITIVE PHASE, AND I MEAN, THAT WOULD  
13 WORK.

14 MR. GUTERRES: I DON'T THINK WE CAN DO THAT.

15 MR. MCMILLAN: IT'S JUST A SUGGESTION, ONE  
16 MORE IDEA.

17 MR. GUTERRES: I CANNOT GIVE UP ANY OF OUR  
18 INDIVIDUALS' RIGHTS AS IT RELATES TO PUNITIVE DAMAGES.

19 MR. MCMILLAN: SURE.

20 THE COURT: AND I DON'T WANT TO TAKE THE  
21 VERDICT IF --

22 MR. MCMILLAN: WHAT HAPPENS IF YOU DON'T TAKE  
23 THE VERDICT? IS IT THEN A MISTRIAL?

24 THE COURT: NO. IF I DON'T TAKE THE VERDICT  
25 NOW, I'LL JUST ORDER THEM BACK AND SUBSTITUTE A JUROR,  
26 AND THEN THEY WOULD HAVE TO BEGIN DELIBERATIONS ALL  
27 OVER AGAIN.

28 THAT'S WHY I'M REQUIRED TO GIVE THAT

1 INSTRUCTION, AND YOU WILL -- AT LEAST ONE OF YOU  
2 REQUESTED THAT INSTRUCTION, AND IT'S THE APPROPRIATE  
3 INSTRUCTION, SUBSTITUTION OF THE ALTERNATE.

4 MR. MCMILLAN: WHY DON'T WE DO THIS: LET ME  
5 TALK TO THE CLIENT FOR A MINUTE. IT MAY -- LET ME JUST  
6 TALK TO THE CLIENT.

7 AND IF WE CAN AVOID HAVING THE JURY GO BACK  
8 AND DELIBERATE ALL OVER AGAIN, I THINK IT'S BETTER TO  
9 AVOID THAT.

10 SO LET ME TALK TO THE CLIENT AND SEE WHAT SHE  
11 SAYS.

12 THE COURT: THAT'S FINE. LOOK -- EVERYBODY  
13 NEEDS TO JUST --

14 MR. MCMILLAN: I NEED 5 MINUTES.

15 THE COURT: SURE. GIVE SOME THOUGHT TO IT.  
16 IT'S UNFORTUNATE -- AS I SAID, I'VE BEEN THINKING ABOUT  
17 IT AS MUCH AS I COULD ON AND OFF DURING THE DAY, AND  
18 I'M NOT EVEN SURE THE PREMISE I STATED TO YOU, IF IT  
19 MAKES SENSE.

20 BUT THAT DOESN'T MEAN THAT THAT'S WHAT THE LAW  
21 IS. AND TRY TO THINK ABOUT WHAT ALTERNATIVES THERE  
22 MIGHT BE AS WELL. BUT I DON'T WANT TO TAKE A VERDICT  
23 AND THEN MAKE A SUBSTITUTION.

24 MR. MCMILLAN: RIGHT.

25 THE COURT: AND THEN SAY, OKAY, WE READ YOU  
26 THE VERDICT, BUT WE WERE JUST KIDDING.

27 MR. GUTERRES: JUST A WARM-UP.

28 THE COURT: JUST GETTING PRACTICE GETTING A

1 VERDICT, SO NOW WE'RE GOING TO SUBSTITUTE A JUROR AND  
2 GO BACK TO THIS AGAIN. I THINK IT'S A GOOD IDEA FOR  
3 EVERYBODY TO THINK ABOUT IT. SORRY IT'S COME UP THIS  
4 WAY.

5 (PAUSE IN THE PROCEEDINGS)

6 (THE FOLLOWING PROCEEDINGS WERE HELD AT  
7 THE SIDEBAR OUTSIDE THE PRESENCE OF THE  
8 JURY)

9 THE COURT: WE'RE ON THE RECORD. COUNSEL ARE  
10 PRESENT. I DON'T SEE MR. PRAGER, BUT WE CAN PROCEED  
11 WITHOUT HIM.

12 I DID JUST FIND THIS ABOUT THE TIME WE TOOK  
13 THE BREAK, THE CASE OF RIVERA SASSOON, S-A-S-S-O-O-N,  
14 1995-CASE, AT 39 CAL.APP.4TH 1045.

15 THIS CASE HOLDS THAT THE SUBSTITUTION OF  
16 JURORS BETWEEN THE LIABILITY PHASE AND A PUNITIVE  
17 DAMAGE PHASE DOES NOT VIOLATE THE RULE THAT THE SAME  
18 JURY MUST HEAR BOTH THE LIABILITY AND DAMAGES PHASE.

19 I WANT TO SHOW YOU THE CASE. I WANT EVERYBODY  
20 TO HAVE A CHANCE TO SEE IT. YOU'RE IN HERE, YOU DON'T  
21 HAVE YOUR COMPUTERS AVAILABLE. THIS IS THE SPECIFIC  
22 HOLDING ON THE CASE. AND JUST AS AN EXAMPLE:

23 "ALTERNATE JURORS ARE MEMBERS OF  
24 THE JURY PANEL WHICH TRIES THE CASE.  
25 THEY ARE SELECTED AT THE SAME TIME AS  
26 THE REGULAR JURORS.

27 THEY TAKE THE SAME OATH AND ARE  
28 SUBJECT TO THE SAME QUALIFICATIONS AS

1 THE REGULAR JURORS.

2 ALTERNATE JURORS HEAR THE SAME  
3 EVIDENCE AND ARE SUBJECT TO THE SAME  
4 ADMONITIONS AS REGULAR JURORS AND,  
5 UNLESS EXCUSED BY THE COURT, ARE  
6 AVAILABLE TO PARTICIPATE AS REGULAR  
7 JURORS.

8 THUS, THE ALTERNATE JURORS ARE AS  
9 AWARE OF THE REPREHENSIBILITY OF THE  
10 DEFENDANT'S CONDUCT AS THE REGULAR  
11 JURORS AND, WHILE THEY MAY NOT HAVE  
12 PERSONALLY DECIDED THE QUESTION OF  
13 LIABILITY, THEY WERE MEMBERS OF THE  
14 JURY WHICH DID.

15 THEY ARE IN AS GOOD A POSITION TO  
16 EVALUATE THE OPPRESSION, FRAUD OR  
17 MALICE GIVING RISE TO LIABILITY AS THE  
18 JURORS THEY REPLACE.

19 THEREFORE --" I'M SKIPPING A  
20 LITTLE BIT -- "CONCLUDE THEREFORE THAT  
21 WHEN A JUROR WHO PARTICIPATED IN THE  
22 LIABILITY PHASE OF THE TRIAL IS EXCUSED  
23 AND REPLACED BY AN ALTERNATE JUROR FOR  
24 THE PUNITIVE DAMAGES PHASE, THE CASE IS  
25 BEING TRIED TO, QUOTE 'THE SAME TRIER  
26 OF FACT,' CLOSED QUOTE, WHICH FOUND FOR  
27 THE PLAINTIFF ON THE ISSUES OF  
28 LIABILITY AND OPPRESSIVE OR MALICIOUS

1 CONDUCT."

2 SO HERE'S THE CASE. I WOULDN'T WANT YOU TO  
3 RELY ON MY READING.

4 (PAUSE IN THE PROCEEDINGS)

5 THE COURT: SO EVERYBODY'S HAD A CHANCE TO  
6 READ THE CASE. DOES EVERYBODY AGREE THIS CASE ANSWERS  
7 THE QUESTION? ONE THING YOU CAN -- WELL, THERE'S NO  
8 QUESTION WHAT THE CASE SAYS.

9 THE ONLY THING I COULD SAY FURTHER IS BEFORE  
10 WE RELY ON THAT, YOU CAN NOW, ON YOUR COMPUTER, CHECK  
11 TO SEE THIS IF THIS CASE HAS BEEN REVERSED IN ANY WAY.

12 MR. GUTERRES: I WAS TRYING TO DO THAT RIGHT  
13 NOW.

14 THE COURT: THAT MAKES SENSE. I DIDN'T DO  
15 THAT BECAUSE I FOUND THE CASE, AND I WANTED TO COLLECT  
16 YOU BACK HERE BEFORE YOU WERE HAVING CONVERSATIONS YOU  
17 MIGHT NOT NEED TO HAVE.

18 MR. KING: I TEXTED MY OFFICE THIS IN THE  
19 MEANTIME.

20 THE COURT: I WANT TO GIVE YOU A CHANCE,  
21 MR. GUTERRES, SO SATISFY YOURSELF BEFORE WE GO AHEAD.  
22 THAT WILL SOLVE A LOT OF PROBLEMS FOR US BECAUSE I CAN  
23 THEN LET -- I'M GOING TO HAVE TO LET THE JUROR GO  
24 ANYWAY.

25 GIVEN THE TIME OF DAY, WE WOULDN'T DO ANYTHING  
26 FURTHER ON THIS. I'VE ORDERED THE JURORS IN THIS OTHER  
27 CASE BACK FOR TOMORROW MORNING.

28 MR. MCMILLAN: WELL, WE DON'T KNOW WHAT THE

1 VERDICT IS GOING TO BE YET.

2 THE COURT: NO, WE DON'T. BUT I DO FEEL I  
3 HAVE TO GIVE THIS PRIORITY TO THAT, SO I'M GOING TO  
4 HAVE TO HAVE --

5 MR. GUTERRES: WOULD THE COURT NOT TAKE THE  
6 VERDICT TONIGHT?

7 THE COURT: NO. I'M INTENDING TO TAKE THAT  
8 VERDICT. WE'VE GOT TO KEEP THAT JUROR LONG ENOUGH TO  
9 GET THE VERDICT.

10 MR. GUTERRES: BECAUSE IF WORSE COMES TO  
11 WORST, ASSUMING WE'RE ALL GOOD, WE TAKE THE VERDICT,  
12 AND WE CAN ALWAYS COME BACK FOR PUNITIVES ON WEDNESDAY.

13 THE COURT: ANOTHER OPTION WOULD BE, AND I  
14 DON'T KNOW HOW THIS WOULD WORK WITH THE JURORS, TO  
15 HAVE --

16 IF THERE IS TO BE A PUNITIVE DAMAGE PHASE, FOR  
17 US TO DO THAT MONDAY. FINISH THIS JURY SELECTION,  
18 HOPING TO DO IT TOMORROW IN THE OTHER CASE, BACK ON  
19 TUESDAY.

20 IT SHOULDN'T TAKE MORE THAN A DAY TO DO A  
21 PUNITIVE DAMAGE PHASE AS FAR AS THE EVIDENCE IS  
22 CONCERNED. IT'S VERY QUICK.

23 MR. MCMILLAN: FEW HOURS.

24 THE COURT: IF THAT LONG. SO I HOPE YOU ALL  
25 KNOW WHAT THE MEASURE IS FOR PUNITIVE DAMAGES. IT'S  
26 NET WORTH.

27 MR. MCMILLAN: YOU KNOW, IT'S GOING TO BE A  
28 DEBTORS' EXAM ON THE STAND IN FRONT OF THE JURY,

1 PROBABLY.

2 THE COURT: MAYBE OR MAYBE NOT. YEAH, THEY  
3 COULD HAVE THAT QUESTION. ASSETS AND LIABILITIES ARE,  
4 AND WHATEVER ELSE WOULD POTENTIALLY AFFECT THEIR NET  
5 WORTH. NET WORTH IS ESSENTIALLY THE STANDARD.

6 MR. MCMILLAN: YEAH. I'M AWARE.

7 THE COURT: WELL, I'LL WORRY ABOUT THAT --  
8 WON'T HAVE TO WORRY ABOUT IT IF THERE'S NOT MALICE,  
9 OPPRESSION OR FRAUD.

10 IF THERE IS, THEN I'LL JUST QUICKLY HAVE TO  
11 DECIDE IF THESE JURORS HAVE BEEN HERE SO LONG -- I  
12 REALLY DON'T WANT TO DELAY THEM, BUT I DON'T KNOW ABOUT  
13 MY ABILITY TO CALL OFF THE JURORS I ORDERED HERE THAT  
14 ARE ORDERED BACK TOMORROW.

15 AND I DON'T KNOW HOW THAT WOULD AFFECT THEM,  
16 NOT TO COME BACK TIL MONDAY. I'LL WORRY ABOUT THAT  
17 LATER.

18 MR. MCMILLAN: ONE THING, YOUR HONOR. IT MAY  
19 NOT BECOME AN ISSUE, BUT IF IT DOES, HAVE A  
20 CONVERSATION WITH THEM ABOUT IT AFTER THE VERDICT IS  
21 READ.

22 THE COURT: LET'S GO ON.

23 (PAUSE IN THE PROCEEDINGS)

24 (THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN  
25 COURT IN THE PRESENCE OF THE JURY)

26 THE COURT: WE'RE ON THE RECORD AND COUNSEL  
27 ARE PRESENT. I'VE BEEN INFORMED THE JURY'S REACHED THE  
28 VERDICT. I'M GOING TO ASK THE COURT ATTENDANT TO BRING

1 THE JURORS IN.

2 (JURY PRESENT)

3 (VERDICT)

4 THE COURT: EVERYONE MAY BE SEATED. WE'RE ON  
5 THE RECORD. THE JURORS HAVE RETURN TO THE COURTROOM.  
6 THE COURT HAS BEEN ADVISED THE JURY HAS REACHED A  
7 VERDICT. AND MS. HAAN, IT'S MY UNDERSTANDING YOU WERE  
8 THE PRESIDING JUROR.

9 THE JUROR: YES.

10 THE COURT: YOU HAVE TWO VERDICT FORMS. DID  
11 YOU SIGN AND DATE BOTH OF THOSE FORMS?

12 THE JUROR: YES.

13 THE COURT: HAND THEM TO THE COURT ATTENDANT,  
14 PLEASE. I ASK THE CLERK TO READ THE VERDICT.

15 THE CLERK: TITLE OF COURT AND CAUSE, VERDICT  
16 FORM NUMBER 1. WE THE JURY ANSWER THE QUESTIONS  
17 SUBMITTED TO US AS FOLLOWS:

18 QUESTION 1: AS TO EACH DEFENDANT LISTED  
19 BELOW, ANSWER THE FOLLOWING QUESTION: DID THE  
20 DEFENDANTS REMOVE OR PARTICIPATE IN MAKING THE DECISION  
21 TO REMOVE RAFAELINA DUVAL'S CHILD FROM HER CARE WITHOUT  
22 FIRST OBTAINING A WARRANT?

23 DEFENDANT SUSAN PENDER.

24 ANSWER: YES.

25 DEFENDANT KIMBERLY ROGERS.

26 ANSWER: YES.

27 QUESTION 2: HAVE DEFENDANTS PROVEN THAT, IN  
28 THE TIME THEY SEIZED THE CHILD, THEY POSSESSED SPECIFIC



1 AND ARTICULABLE FACTS TO SHOW THAT RAFAELINA DUVAL'S  
2 SON WAS LIKELY TO EXPERIENCE SERIOUS BODILY HARM IN THE  
3 TIME IT WOULD TAKE TO OBTAIN A WARRANT?

4 DEFENDANT SUSAN PENDER.

5 ANSWER: NO.

6 DEFENDANT KIMBERLY ROGERS.

7 ANSWER: NO.

8 QUESTION 4: WAS REMOVAL OF RAFAELINA DUVAL'S  
9 CHILD FROM HER CARE WITHOUT FIRST OBTAINING A WARRANT A  
10 SUBSTANTIAL FACTOR IN CAUSING HARM TO RAFAELINA DUVAL?

11 ANSWER: YES.

12 QUESTION 5: AS TO ANY DEFENDANT AS TO WHOM  
13 YOU ANSWERED YES TO QUESTION NUMBER 1, DID THAT  
14 DEFENDANT ENGAGE IN CONDUCT WITH MALICE, OPPRESSION OR  
15 FRAUD?

16 DEFENDANT SUSAN PENDER.

17 ANSWER: YES.

18 DEFENDANT KIMBERLY ROGERS.

19 ANSWER: YES.

20 QUESTION 6: DID THE COUNTY OF LOS ANGELES  
21 DEPARTMENT OF CHILDREN AND FAMILY SERVICES, HEREAFTER  
22 DCFS, HAVE AN OFFICIAL CUSTOM AND/OR PRACTICE OF  
23 SEIZING CHILDREN FROM THEIR PARENTS WITHOUT A WARRANT?

24 ANSWER: YES.

25 QUESTION 7: DID DCFS FAIL TO ENACT AN  
26 OFFICIAL POLICY OR PROCEDURE WHEN IT SHOULD HAVE DONE  
27 SO?

28 ANSWER: YES.

1           QUESTION 8: DID DCFS KNOW, BECAUSE OF A  
2 PATTERN OF SIMILAR VIOLATIONS, OR SHOULD IT HAVE BEEN  
3 OBVIOUS TO IT, THAT ITS OFFICIAL CUSTOMS OR PRACTICES,  
4 OR FAILURE TO ENACT AN OFFICIAL POLICY OR PROCEDURE WAS  
5 LIKELY TO RESULT IN THE VIOLATION OF A PARENT'S RIGHT  
6 TO BE FREE OF UNWARRANTED SEIZURES OF THEIR CHILDREN?

7           ANSWER: YES.

8           QUESTION 9: DID EITHER SUSAN PENDER OR  
9 KIMBERLY ROGERS ACT BECAUSE OF THIS OFFICIAL CUSTOM OR  
10 PRACTICE OR LACK OF POLICY OR PROCEDURE?

11          ANSWER: YES.

12          QUESTION 10: WAS DCFS'S TRAINING PROGRAM AND/OR  
13 SUPERVISION OF ITS EMPLOYEES INADEQUATE TO TRAIN AND/OR  
14 SUPERVISE ITS EMPLOYEES TO PROPERLY HANDLE USUAL AND  
15 RECURRING SITUATIONS?

16          ANSWER: YES.

17          QUESTION 12: DID DCFS KNOW --

18          THE COURT: EXCUSE ME. THE QUESTION IS  
19 NUMBER 11.

20          THE CLERK: STRIKE THAT.

21          QUESTION 11: DID THE DCFS KNOW BECAUSE OF THE  
22 PATTERN OF SIMILAR VIOLATIONS, OR SHOULD IT HAVE BEEN  
23 OBVIOUS TO IT, THAT ITS INADEQUATE TRAINING PROGRAM  
24 AND/OR SUPERVISION OF ITS EMPLOYEES WAS LIKELY TO  
25 RESULT IN REMOVAL OF RAFAELINA DUVAL'S CHILD FROM HER  
26 CARE WITHOUT FIRST OBTAINING A WARRANT?

27          ANSWER: YES.

28          QUESTION 12: WAS THE FAILURE TO PROVIDE

1 ADEQUATE TRAINING AND/OR SUPERVISION A SUBSTANTIAL  
2 FACTOR IN CAUSING HARM TO RAFAELINA DUVAL?

3 ANSWER: YES.

4 QUESTION 13: IS THE CONDUCT OF  
5 VICTORIA SCHEELE OUTRAGEOUS?

6 ANSWER: NO.

7 QUESTION 18: IF YOU ANSWERED YES TO QUESTION  
8 NUMBER 4, ANSWER QUESTIONS A AND B.

9 IF YOU ANSWERED YES TO QUESTION 16, THEN  
10 ANSWER QUESTIONS C AND D.

11 IF YOU ANSWERED YES TO BOTH QUESTIONS, THEN  
12 ANSWER QUESTIONS A THROUGH D.

13 WHAT ARE RAFAELINA DUVAL'S DAMAGES?

14 A: PAST NON-ECONOMIC DAMAGES. ENTER THE  
15 AMOUNT BELOW THAT YOU FIND EITHER DEFENDANT  
16 KIMBERLY ROGERS, SUSAN PENDER, OR COUNTY OF LOS ANGELES  
17 DCFS, ARE LIABLE FOR THE UNWARRANTED SEIZURE OF  
18 BABY RYAN.

19 ANSWER: \$1,650,000.

20 B: FUTURE NON-ECONOMIC DAMAGES. ENTER THE  
21 AMOUNT BELOW THAT YOU FIND EITHER DEFENDANT  
22 KIMBERLY ROGERS OR SUSAN PENDER OR COUNTY OF LOS  
23 ANGELES DCFS, ARE LIABLE FOR THE UNWARRANTED SEIZURE OF  
24 BABY RYAN.

25 ANSWER: \$1,290,000. TOTAL FOR \$2,940,000.

26 TOTAL DAMAGES: \$2,940,000.

27 SIGNED ELEANOR HAAN, PRESIDING JUROR,  
28 NOVEMBER 3RD, 2016.

1 VERDICT FORM 2, QUESTION 1: WAS  
2 RAFAELINA DUVAL REGARDED AS HAVING A PHYSICAL OR MENTAL  
3 IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF HER  
4 MAJOR LIFE ACTIVITIES BY AN EMPLOYEE OF THE COUNTY OF  
5 LOS ANGELES?

6 ANSWER: YES.

7 QUESTION 2: WAS RAFAELINA DUVAL EXCLUDED FROM  
8 PARTICIPATION IN OR DENIED THE BENEFITS OF SERVICES,  
9 PROGRAMS, OR ACTIVITIES OF THE COUNTY OF LOS ANGELES OR  
10 SUBJECTED TO DISCRIMINATION BY AN EMPLOYEE OF THE  
11 COUNTY OF LOS ANGELES BECAUSE SHE WAS REGARDED AS  
12 DISABLED?

13 ANSWER: YES.

14 QUESTION 3: WAS DEFENDANT COUNTY OF LOS  
15 ANGELES'S EXCLUSION, DENIAL OR DISCRIMINATION OF  
16 RAFAELINA DUVAL DONE WITH DELIBERATE INDIFFERENCE OR  
17 INTENTIONAL DISCRIMINATION OF HER RIGHTS?

18 ANSWER: YES.

19 QUESTION 4: WAS RAFAELINA DUVAL REGARDED AS  
20 HAVING A DISABILITY IMPAIRMENT BY THE COUNTY OF LOS  
21 ANGELES AND/OR ITS EMPLOYEES?

22 ANSWER: YES.

23 QUESTION 5: WAS RAFAELINA DUVAL OTHERWISE  
24 QUALIFIED TO PARTICIPATE IN THE BENEFITS OR SERVICES OF  
25 THE COUNTY OF LOS ANGELES?

26 ANSWER: YES.

27 QUESTION 6: DID THE COUNTY OF LOS ANGELES  
28 RECEIVE FEDERAL FINANCIAL ASSISTANCE?

1 ANSWER: YES.

2 QUESTION 7: WAS RAFAELINA DUVAL DENIED  
3 BENEFITS OR SERVICES BY COUNTY OF LOS ANGELES AND/OR  
4 ITS EMPLOYEES, SOLELY BECAUSE SHE WAS REGARDED AS BEING  
5 DISABLED?

6 ANSWER: NO.

7 QUESTION 8: AS TO EACH DEFENDANT LISTED  
8 BELOW, ANSWER THE FOLLOWING QUESTION:

9 DID DEFENDANTS DENY AND/OR AID OR INCITE  
10 DENIAL OF AND/OR DISCRIMINATE OR MAKE A DISTINCTION  
11 THAT DENIED FULL AND EQUAL ACCOMMODATIONS OR ADVANTAGES  
12 OR FACILITIES OR PRIVILEGES OR SERVICES TO  
13 RAFAELINA DUVAL?

14 DEFENDANT CANDIS NELSON.

15 ANSWER: YES.

16 DEFENDANT VICTORIA SCHEELE.

17 ANSWER: NO.

18 DEFENDANT COUNTY OF LOS ANGELES.

19 ANSWER: YES.

20 QUESTION 9: AS TO EACH DEFENDANT LISTED  
21 BELOW, ANSWER THE FOLLOWING QUESTION:

22 WAS DEFENDANT'S CONDUCT A SUBSTANTIAL FACTOR  
23 IN CAUSING HARM TO RAFAELINA DUVAL?

24 DEFENDANT CANDIS NELSON.

25 ANSWER: NO.

26 DEFENDANT VICTORIA SCHEELE.

27 ANSWER: NO.

28 DEFENDANT COUNTY OF LOS ANGELES.

1 ANSWER: YES.

2 QUESTION 10: IN ADDITION TO THE DAMAGES IN  
3 VERDICT FORM 1, WHAT ADDITIONAL DAMAGES ARE  
4 RAFAELINA DUVAL'S DAMAGES, IF ANY?

5 A: ENTER THE AMOUNT THAT YOU FIND THAT EITHER  
6 DEFENDANT CANDIS NELSON, VICTORIA SCHEELE, OR COUNTY OF  
7 LOS ANGELES ARE LIABLE FOR PAST, NON-ECONOMIC DAMAGES.

8 ANSWER: \$165,000.

9 B: ENTER THE AMOUNT BELOW THAT YOU FIND THAT  
10 EITHER DEFENDANT CANDIS NELSON, VICTORIA SCHEELE, OR  
11 COUNTY OF LOS ANGELES ARE LIABLE FOR FUTURE  
12 NON-ECONOMIC DAMAGES.

13 ANSWER: ZERO.

14 TOTAL DAMAGES: ADD A PLUS B: \$165,000.

15 QUESTION 11. WHAT AMOUNT, IF ANY, DO YOU  
16 AWARD AS A PENALTY AGAINST DEFENDANTS CANDIS NELSON,  
17 VICTORIA SCHEELE, AND/OR COUNTY OF LOS ANGELES?

18 ANSWER: ZERO.

19 SIGNED ELEANOR HAAN, PRESIDING JUROR, DATED  
20 NOVEMBER 3RD, 2016.

21 LADIES AND GENTLEMEN OF THE JURY, ARE THESE  
22 YOUR VERDICTS, SO SAY YOU ONE, SO SAY YOU ALL?

23 THE JUROR: YES.

24 THE COURT: ALL RIGHT. REQUEST TO POLL THE  
25 JURY?

26 MR. GUTERRES: YES, PLEASE, YOUR HONOR, ON  
27 BEHALF OF THE DEFENDANT.

28 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN,

1 WE'RE GOING TO POLL THE JURY. I MENTIONED THAT IN THE  
2 CLOSING INSTRUCTIONS I GAVE YOU.

3 WHAT WE MEAN BY POLLING THE JURY -- MEANS THAT  
4 THE CLERK, IN A MOMENT, IS GOING TO GO THROUGH EACH  
5 QUESTION AND ANSWER GIVEN, AND I'LL ASK YOU WHETHER  
6 THAT ANSWER WAS YOUR ANSWER.

7 SO PLEASE UNDERSTAND THAT YOU'RE ANSWERING WAS  
8 IT OR WAS IT NOT YOUR ANSWER. YOU'RE NOT -- AND WHERE  
9 THIS GETS A LITTLE COMPLICATED IS THAT IF YOUR ANSWER  
10 WAS NO TO A QUESTION, THE QUESTION IS ASKING YOU, WAS  
11 THAT YOUR ANSWER.

12 SO EVEN IF NO WAS THE ANSWER, THE QUESTION TO  
13 YOU CALLS FOR YOU TO SAY, "YES, I VOTED NO," OR "NO, I  
14 DIDN'T VOTE NO." EVERYBODY UNDERSTAND? IT'S EASY WHEN  
15 THE ANSWERS ARE YES. AND IT'S EASY WHEN YOU GET TO A  
16 DOLLAR AMOUNT.

17 IT CAN BECOME CONFUSING, AT LEAST IN MY  
18 EXPERIENCE. OVER THE PAST MANY YEARS IT'S SOMETIMES  
19 CONFUSING TO JURORS, SO I WANT TO MAKE SURE YOU  
20 UNDERSTAND THERE ARE -- JUST TAKING A QUICK ANSWER,  
21 WHATEVER THE NUMBER IS, THE QUESTION IS, WAS THAT YOUR  
22 ANSWER.

23 I HAVE A QUESTION FROM OUR JUROR NUMBER 7.

24 THE JUROR: CAN WE SAY CORRECT, I VOTED YES,  
25 OR INCORRECT?

26 THE COURT: I'M SORRY. YOU WANT TO KNOW IF  
27 THE QUESTION COULD BE DIFFERENT?

28 THE JUROR: NO. YOU SAID WE ARE TO REPLY AS

1 YES, I VOTED NO, OR NO, I VOTED YES. CAN WE REPLACE  
2 THAT INITIAL WORD WITH CORRECT OR INCORRECT?

3 THE COURT: OKAY. I'M SORRY. I DON'T KNOW.  
4 I DON'T WANT TO QUIBBLE OVER THE LANGUAGE. THE  
5 REQUIREMENT IN POLLING IS TO GET A YES OR NO ANSWER,  
6 THAT THAT WAS MY ANSWER.

7 SO WHEN YOU REACH THE QUESTION AND THE ANSWER,  
8 WHATEVER THAT ANSWER WAS, THEN THOSE THAT HAVE ANSWERED  
9 YES OR NO, EXCEPT FOR THE TWO OF THE ANSWERS WILL BE  
10 YES, SO IF YOU VOTED YES, SAY YES, IT WAS MY ANSWER.

11 IF YOU DIDN'T VOTE YES ON THAT QUESTION, THEN  
12 YOU SAY NO, THAT WAS NOT MY ANSWER. WHEN WE GET TO A  
13 DOLLAR AMOUNT, WAS THAT YOUR ANSWER, YES, IT WAS, NO,  
14 IT WASN'T.

15 WHEN YOU GET TO THE -- I BELIEVE THERE ARE TWO  
16 INSTANCES WHERE A NO ANSWER WAS GIVEN, AS I RECORDED  
17 IT. THE QUESTION IS, WAS THAT YOUR ANSWER. IF YOU  
18 VOTED NO, YOU SAY YES, THAT WAS MY ANSWER.

19 IT ISN'T GOING TO MAKE THIS ANY EASIER IF  
20 WE -- THE RECORDING IN THE COURT'S MINUTES ARE REQUIRED  
21 TO SHOW THOSE WHO ANSWERED YES, AND THOSE WHO ANSWERED  
22 NO.

23 SO IF YOU DON'T KNOW AS WE GO ALONG, THEN TELL  
24 ME, BUT I DON'T KNOW WHAT ELSE I'M GOING TO BE ABLE TO  
25 DO TO EXPLAIN THIS, ALTHOUGH I'LL TRY. AT THIS POINT,  
26 IT'S GOING TO TAKE A WHILE. WE HAVE A LOT OF ANSWERS.

27 WE'LL GO THROUGH, READ THE QUESTION, READ THE  
28 ANSWER, AND DO IT IN NUMERICAL ORDER, BEGINNING WITH



1 JUROR NUMBER 1, MR. HOLLINGSWORTH.

2 I'M SEEING A QUESTIONED LOOK ON AT LEAST ONE  
3 JUROR'S FACE, SO IT SEEMS TO ME I'M NOT MAKING THIS  
4 CLEAR. AND MAYBE YOU CAN HELP ME UNDERSTAND WHAT IS  
5 NOT CLEAR.

6 THE JUROR: NOT ME.

7 THE COURT: YOU UNDERSTAND?

8 THE JUROR: I JUST DIDN'T WANT TO GET INTO A  
9 "WHO'S ON FIRST."

10 THE COURT: AS LONG AS YOU UNDERSTOOD WHAT I  
11 SAID.

12 PLEASE POLL THE JURY.

13 THE CLERK: QUESTION NUMBER 1, VERDICT FORM 1:  
14 AS TO EACH DEFENDANT LISTED BELOW, ANSWER THE FOLLOWING  
15 QUESTION: DID DEFENDANTS REMOVE AND/OR PARTICIPATE IN  
16 MAKING THE DECISION TO REMOVE RAFAELINA DUVAL'S CHILD  
17 FROM HER CARE WITHOUT FIRST OBTAINING A WARRANT?

18 DEFENDANT SUSAN PENDER.

19 ANSWER: YES.

20 JUROR NUMBER 1, IS THAT YOUR VERDICT?

21 JUROR NO. 1: YES.

22 THE CLERK: JUROR NUMBER 2, IS THAT YOUR  
23 ANSWER?

24 JUROR NO. 2: YES.

25 THE CLERK: JUROR NUMBER 3, IS THAT YOUR  
26 ANSWER?

27 JUROR NO. 3: YES.

28 THE CLERK: JUROR NUMBER 4, IS THAT YOUR

1 ANSWER?

2 JUROR NO. 4: YES.

3 THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
4 ANSWER?

5 JUROR NO. 5: YES.

6 THE CLERK: JUROR NUMBER 6, IS THAT YOUR  
7 ANSWER?

8 JUROR NO. 6: YES.

9 THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
10 ANSWER?

11 JUROR NO. 7: YES.

12 THE CLERK: JUROR NUMBER 8, IS THAT YOUR  
13 ANSWER?

14 JUROR NO. 8: YES.

15 THE CLERK: JUROR NUMBER 9, IS THAT YOUR  
16 ANSWER?

17 JUROR NO. 9: YES.

18 THE CLERK: JUROR NUMBER 10, IS THAT YOUR  
19 ANSWER?

20 JUROR NO. 10: YES.

21 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
22 ANSWER?

23 JUROR NO. 11: YES.

24 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
25 ANSWER?

26 JUROR NO. 12: YES.

27 THE CLERK: ALL TWELVE ANSWER YES.

28 DEFENDANT KIMBERLY ROGERS.

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ANSWER: YES.

JUROR NUMBER 1, IS THAT YOUR ANSWER?

JUROR NO. 1: YES.

THE CLERK: JUROR NUMBER 2, IS THAT YOUR ANSWER?

JUROR NO. 2: YES.

THE CLERK: JUROR NUMBER 3, IS THAT YOUR ANSWER?

JUROR NO. 3: YES.

THE CLERK: JUROR NUMBER 4, IS THAT YOUR ANSWER?

JUROR NO. 4: YES.

THE CLERK: JUROR NUMBER 5 IS THAT YOUR ANSWER?

JUROR NO. 5: YES.

THE CLERK: JUROR NUMBER 6, IS THAT YOUR ANSWER?

JUROR NO. 6: YES.

THE CLERK: JUROR NUMBER 7, IS THAT YOUR ANSWER?

JUROR NO. 7: YES.

THE CLERK: JUROR NUMBER 8, IS THAT YOUR ANSWER?

JUROR NO. 8: YES.

THE CLERK: JUROR NUMBER 9, IS THAT YOUR ANSWER?

JUROR NO. 9: NO.

THE CLERK: JUROR NUMBER 10, IS THAT YOUR

1 ANSWER?

2 JUROR NO. 10: YES.

3 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
4 ANSWER?

5 JUROR NO. 11: YES.

6 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
7 ANSWER?

8 JUROR NO. 12: YES.

9 THE CLERK: ELEVEN ANSWER YES, ONE ANSWERS NO.  
10 QUESTION 2: HAVE DEFENDANTS PROVEN THAT, AT  
11 THE TIME THEY SEIZED THE CHILD, THEY POSSESSED SPECIFIC  
12 AND ARTICULABLE FACTS TO SHOW RAFAELINA DUVAL'S SON WAS  
13 LIKELY TO EXPERIENCE SERIOUS BODILY HARM IN THE TIME IT  
14 WOULD TAKE TO OBTAIN A WARRANT?

15 DEFENDANT SUSAN PENDER.

16 ANSWER: NO.

17 JUROR NUMBER 1, IS THAT YOUR VERDICT?

18 JUROR NO. 1: YES.

19 THE CLERK: JUROR NUMBER 2, IS THAT YOUR  
20 ANSWER?

21 JUROR NO. 2: YES.

22 THE CLERK: JUROR NUMBER 3, IS THAT YOUR  
23 ANSWER?

24 JUROR NO. 3: YES.

25 THE CLERK: JUROR NUMBER 4, IS THAT YOUR  
26 ANSWER?

27 JUROR NO. 4: YES.

28 THE CLERK: JUROR NUMBER 5, IS THAT YOUR

1 ANSWER?

2 JUROR NO. 5: YES.

3 THE CLERK: JUROR NUMBER 6, IS THAT YOUR  
4 ANSWER?

5 JUROR NO. 6: YES.

6 THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
7 ANSWER?

8 JUROR NO. 7: YES.

9 THE CLERK: JUROR NUMBER 8, IS THAT YOUR  
10 ANSWER?

11 JUROR NO. 8: YES.

12 THE CLERK: JUROR NUMBER 9, IS THAT YOUR  
13 ANSWER?

14 JUROR NO. 9: I'M SORRY. ON THE FIRST  
15 QUESTION, MY ANSWER WAS YES. I MADE A MISTAKE. NUMBER  
16 2, I'M "NO."

17 THE CLERK: SHOULD I REPOLL AS TO THAT  
18 QUESTION?

19 THE COURT: WHICH ONE?

20 THE CLERK: HE SAID IN THE PREVIOUS QUESTION,  
21 HE SAID HE ANSWERED YES, BUT THAT WAS INCORRECT.

22 THE COURT: LET'S FINISH POLLING ON THIS ONE  
23 AND GO BACK TO THE PREVIOUS ONE.

24 THE CLERK: QUESTION NUMBER 2: DEFENDANT  
25 SUSAN PENDER.

26 ANSWER: NO.

27 THE CLERK: JUROR NUMBER 10, IS THAT YOUR  
28 ANSWER?

1 JUROR NO. 10: NO.

2 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
3 ANSWER?

4 JUROR NO. 11: YES.

5 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
6 ANSWER?

7 JUROR NO. 12: YES.

8 THE CLERK: TEN ANSWER YES. TWO ANSWER NO.

9 THE COURT: WE'RE GOING TO GO BACK TO QUESTION  
10 NUMBER 1 AS TO KIMBERLY ROGERS.

11 THE CLERK: JUROR NUMBER ONE, IS THAT YOUR  
12 ANSWER?

13 THE COURT: PLEASE READ THE QUESTION AND THE  
14 ANSWER. IT WILL HELP US.

15 THE CLERK: QUESTION 1: AS TO EACH DEFENDANT  
16 LISTED BELOW, ANSWER THE FOLLOWING QUESTION:

17 DID DEFENDANT OR DEFENDANTS REMOVE AND/OR  
18 PARTICIPATE IN MAKING THE DECISION TO REMOVE  
19 RAFAELINA DUVAL'S CHILD FROM HER CARE WITHOUT FIRST  
20 OBTAINING A WARRANT?

21 AS TO DEFENDANT KIMBERLY ROGERS, ANSWER IS  
22 YES.

23 JUROR NUMBER 1, IS THAT YOUR VERDICT?

24 JUROR NO. 1: YES.

25 THE CLERK: JUROR NUMBER 2, IS THAT YOUR  
26 ANSWER?

27 JUROR NO. 2: YES.

28 THE CLERK: JUROR NUMBER 3, IS THAT YOUR

1 ANSWER?

2 JUROR NO. 3: YES.

3 THE CLERK: JUROR NUMBER 4, IS THAT YOUR  
4 ANSWER?

5 JUROR NO. 4: YES.

6 THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
7 ANSWER?

8 JUROR NO. 5: YES.

9 THE CLERK: JUROR NUMBER 6, IS THAT YOUR  
10 ANSWER?

11 JUROR NO. 6: YES.

12 THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
13 ANSWER?

14 JUROR NO. 7: YES.

15 THE CLERK: JUROR NUMBER 8, IS THAT YOUR  
16 ANSWER?

17 JUROR NO. 8: YES.

18 THE CLERK: JUROR NUMBER 9, IS THAT YOUR  
19 ANSWER?

20 JUROR NO. 9: YES.

21 THE CLERK: JUROR NUMBER 10, IS THAT YOUR  
22 ANSWER?

23 JUROR NO. 10: YES.

24 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
25 ANSWER?

26 JUROR NO. 11: YES.

27 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
28 ANSWER?

1 JUROR NO. 12: YES.

2 THE CLERK: ALL TWELVE ANSWER YES.

3 THE COURT: ALL RIGHT. NOW TO QUESTION  
4 NUMBER 2, AS TO DEFENDANT KIMBERLY ROGERS.

5 THE CLERK: QUESTION NUMBER 2: HAVE  
6 DEFENDANTS PROVEN THAT, AT THE TIME THEY SEIZED THE  
7 CHILD, THEY POSSESSED SPECIFIC AND ARTICULABLE FACTS TO  
8 SHOW THAT RAFAELINA DUVAL'S SON WAS LIKELY TO  
9 EXPERIENCE SERIOUS BODILY HARM IN THE TIME IT WOULD  
10 TAKE TO OBTAIN A WARRANT?

11 DEFENDANT KIMBERLY ROGERS.

12 ANSWER: NO.

13 JUROR NUMBER 1, IS THAT YOUR ANSWER?

14 JUROR NO. 1: YES.

15 THE CLERK: JUROR NUMBER 2, IS THAT YOUR  
16 ANSWER?

17 JUROR NO. 2: YES.

18 THE CLERK: JUROR NUMBER 3, IS THAT YOUR  
19 ANSWER?

20 JUROR NO. 3: YES.

21 THE CLERK: JUROR NUMBER 4, IS THAT YOUR  
22 ANSWER?

23 JUROR NO. 4: YES.

24 THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
25 ANSWER?

26 JUROR NO. 5: YES.

27 THE CLERK: JUROR NUMBER 6, IS THAT YOUR  
28 ANSWER?



1 JUROR NO. 6: YES.

2 THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
3 ANSWER:

4 JUROR NO. 7: YES.

5 THE CLERK: JUROR NUMBER 8, IS THAT YOUR  
6 ANSWER?

7 JUROR NO. 8: YES.

8 THE CLERK: JUROR NUMBER 9, IS THAT YOUR  
9 ANSWER?

10 JUROR NO. 9: NO.

11 THE CLERK: JUROR NUMBER 10, IS THAT YOUR  
12 ANSWER?

13 JUROR NO. 10: NO.

14 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
15 ANSWER?

16 JUROR NO. 11: YES.

17 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
18 ANSWER?

19 JUROR NO. 12: YES.

20 THE CLERK: TEN ANSWER YES. TWO ANSWER NO.

21 QUESTION 4: IS THE REMOVAL OF  
22 RAFAELINA DUVAL'S CHILD FROM HER CARE WITHOUT FIRST  
23 OBTAINING A WARRANT A SUBSTANTIAL FACTOR IN CAUSING  
24 HARM TO RAFAELINA DUVAL?

25 ANSWER: YES.

26 JUROR NUMBER 1, IS THAT YOUR ANSWER?

27 JUROR NO. 1: YES.

28 THE CLERK: JUROR NUMBER 2, IS THAT YOUR

1 ANSWER?

2 JUROR NO. 2: YES.

3 THE CLERK: JUROR NUMBER 3, IS THAT YOUR  
4 ANSWER?

5 JUROR NO. 3: YES.

6 THE CLERK: JUROR NUMBER 4, IS THAT YOUR  
7 ANSWER?

8 JUROR NO. 4: YES.

9 THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
10 ANSWER?

11 JUROR NO. 5: YES.

12 THE CLERK: JUROR NUMBER 6, IS THAT YOUR  
13 ANSWER?

14 JUROR NO. 6: YES.

15 THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
16 ANSWER?

17 JUROR NO. 7: YES.

18 THE CLERK: JUROR NUMBER 8, IS THAT YOUR  
19 ANSWER?

20 JUROR NO. 8: YES.

21 THE CLERK: JUROR NUMBER 9, IS THAT YOUR  
22 ANSWER?

23 JUROR NO. 9: YES.

24 THE CLERK: JUROR NUMBER 10, IS THAT YOUR  
25 ANSWER?

26 JUROR NO. 10: YES.

27 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
28 ANSWER?

1 JUROR NO. 11: YES.

2 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
3 ANSWER?

4 JUROR NO. 12: YES.

5 THE CLERK: ALL TWELVE ANSWER YES.

6 QUESTION NUMBER 5: AS TO ANY DEFENDANT AS TO  
7 WHOM YOU ANSWERED YES TO QUESTION NUMBER 1, DID THAT  
8 DEFENDANT ENGAGE IN THE CONDUCT WITH MALICE, OPPRESSION  
9 OR FRAUD?

10 DEFENDANT SUSAN PENDER.

11 ANSWER: YES.

12 JUROR NUMBER 1, IS THAT YOUR ANSWER?

13 JUROR NO. 1: YES.

14 THE CLERK: JUROR NUMBER 2, IS THAT YOUR  
15 ANSWER?

16 JUROR NO. 2: YES.

17 THE CLERK: JUROR NUMBER 3, IS THAT YOUR  
18 ANSWER?

19 JUROR NO. 3: YES.

20 THE CLERK: JUROR NUMBER 4, IS THAT YOUR  
21 ANSWER?

22 JUROR NO. 4: YES.

23 THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
24 ANSWER?

25 JUROR NO. 5: YES.

26 THE CLERK: JUROR NUMBER 6, IS THAT YOUR  
27 ANSWER?

28 JUROR NO. 6: YES.

1 THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
2 ANSWER?

3 JUROR NO. 7: YES.

4 THE CLERK: JUROR NUMBER 8, IS THAT YOUR  
5 ANSWER?

6 JUROR NO. 8: YES.

7 THE CLERK: JUROR NUMBER 9, IS THAT YOUR  
8 ANSWER?

9 JUROR NO. 9: YES.

10 THE CLERK: JUROR NUMBER 10, IS THAT YOUR  
11 ANSWER?

12 JUROR NO. 10: YES.

13 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
14 ANSWER?

15 JUROR NO. 11: YES.

16 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
17 ANSWER?

18 JUROR NO. 12: YES.

19 THE CLERK: ALL TWELVE ANSWER YES.

20 AS TO DEFENDANT KIMBERLY ROGERS.

21 ANSWER: YES.

22 JUROR NUMBER 1, IS THAT YOUR ANSWER?

23 JUROR NO. 1: YES.

24 THE CLERK: JUROR NUMBER 2, IS THAT YOUR  
25 ANSWER?

26 JUROR NO. 2: YES.

27 THE CLERK: JUROR NUMBER 3, IS THAT YOUR  
28 ANSWER?

1 JUROR NO. 3: YES.

2 THE CLERK: JUROR NUMBER 4, IS THAT YOUR  
3 ANSWER?

4 JUROR NO. 4: YES.

5 THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
6 ANSWER?

7 JUROR NO. 5: YES.

8 THE CLERK: JUROR NUMBER 6, IS THAT YOUR  
9 ANSWER?

10 JUROR NO. 6: YES.

11 THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
12 ANSWER?

13 JUROR NO. 7: YES.

14 THE CLERK: JUROR NUMBER 8, IS THAT YOUR  
15 ANSWER?

16 JUROR NO. 8: YES.

17 THE CLERK: JUROR NUMBER 9, IS THAT YOUR  
18 ANSWER?

19 JUROR NO. 9: YES.

20 THE CLERK: JUROR NUMBER 10, IS THAT YOUR  
21 ANSWER?

22 JUROR NO. 10: YES.

23 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
24 ANSWER?

25 JUROR NO. 11: YES.

26 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
27 ANSWER?

28 JUROR NO. 12: YES.

1 THE CLERK: ALL TWELVE ANSWER YES.

2 QUESTION NUMBER 6: DID THE COUNTY OF LOS  
3 ANGELES DEPARTMENT OF CHILDREN AND FAMILY SERVICES,  
4 HEREAFTER DCF'S, HAVE AN OFFICIAL CUSTOM AND/OR PRACTICE  
5 OF SEIZING CHILDREN FROM THEIR PARENTS WITHOUT A  
6 WARRANT?

7 ANSWER: YES.

8 JUROR NUMBER 1, IS THAT YOUR ANSWER?

9 JUROR NO. 1: YES.

10 THE CLERK: JUROR NUMBER 2, IS THAT YOUR  
11 ANSWER?

12 JUROR NO. 2: YES.

13 THE CLERK: JUROR NUMBER 3, IS THAT YOUR  
14 ANSWER?

15 JUROR NO. 3: YES.

16 THE CLERK: JUROR NUMBER 4, IS THAT YOUR  
17 ANSWER?

18 JUROR NO. 4: YES.

19 THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
20 ANSWER?

21 JUROR NO. 5: YES.

22 THE CLERK: JUROR NUMBER 6, IS THAT YOUR  
23 ANSWER?

24 JUROR NO. 6: YES.

25 THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
26 ANSWER?

27 JUROR NO. 7: YES.

28 THE CLERK: JUROR NUMBER 8, IS THAT YOUR

1 ANSWER?

2 JUROR NO. 8: YES.

3 THE CLERK: JUROR NUMBER 9, IS THAT YOUR

4 ANSWER?

5 JUROR NO. 9: YES.

6 THE CLERK: JUROR NUMBER 10, IS THAT YOUR

7 ANSWER?

8 JUROR NO. 10: YES.

9 THE CLERK: JUROR NUMBER 11, IS THAT YOUR

10 ANSWER?

11 JUROR NO. 11: YES.

12 THE CLERK: JUROR NUMBER 12, IS THAT YOUR

13 ANSWER?

14 JUROR NO. 12: YES.

15 THE CLERK: ALL TWELVE ANSWER YES.

16 QUESTION 7: DID DCFS FAIL TO ENACT AN  
17 OFFICIAL POLICY OR PROCEDURE WHEN IT SHOULD HAVE DONE  
18 SO?

19 ANSWER: YES.

20 JUROR NUMBER 1, IS THAT YOUR ANSWER?

21 JUROR NO. 1: YES.

22 THE CLERK: JUROR NUMBER 2, IS THAT YOUR

23 ANSWER?

24 JUROR NO. 2: YES.

25 THE CLERK: JUROR NUMBER 3, IS THAT YOUR

26 ANSWER?

27 JUROR NO. 3: YES.

28 THE CLERK: JUROR NUMBER 4, IS THAT YOUR

1 ANSWER?

2 JUROR NO. 4: YES.

3 THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
4 ANSWER?

5 JUROR NO. 5: YES.

6 THE CLERK: JUROR NUMBER 6, IS THAT YOUR  
7 ANSWER?

8 JUROR NO. 6: YES.

9 THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
10 ANSWER?

11 JUROR NO. 7: YES.

12 THE CLERK: JUROR NUMBER 8, IS THAT YOUR  
13 ANSWER?

14 JUROR NO. 8: YES.

15 THE CLERK: JUROR NUMBER 9, IS THAT YOUR  
16 ANSWER?

17 JUROR NO. 9: YES.

18 THE CLERK: JUROR NUMBER 10, IS THAT YOUR  
19 ANSWER?

20 JUROR NO. 10: YES.

21 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
22 ANSWER?

23 JUROR NO. 11: YES.

24 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
25 ANSWER?

26 JUROR NO. 12: YES.

27 THE CLERK: ALL TWELVE ANSWER YES.

28 QUESTION NUMBER 8: DID DCFS KNOW, BECAUSE OF



1 A PATTERN OF SIMILAR VIOLATIONS, OR SHOULD IT HAVE BEEN  
2 OBVIOUS TO IT, THAT ITS OFFICIAL CUSTOMS OR PRACTICES,  
3 OR FAILURE TO ENACT AN OFFICIAL POLICY OR PROCEDURE WAS  
4 LIKELY TO RESULT IN THE VIOLATION OF A PARENT'S RIGHT  
5 TO BE FREE OF UNWARRANTED SEIZURES OF THEIR CHILDREN?

6 ANSWER: YES.

7 JUROR NUMBER 1, IS THAT YOUR ANSWER?

8 JUROR NO. 1: YES.

9 THE CLERK: JUROR NUMBER 2, IS THAT YOUR  
10 ANSWER?

11 JUROR NO. 2: YES.

12 THE CLERK: JUROR NUMBER 3, IS THAT YOUR  
13 ANSWER?

14 JUROR NO. 3: YES.

15 THE CLERK: JUROR NUMBER 4, IS THAT YOUR  
16 ANSWER?

17 JUROR NO. 4: YES.

18 THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
19 ANSWER?

20 JUROR NO. 5: YES.

21 THE CLERK: JUROR NUMBER 6, IS THAT YOUR  
22 ANSWER?

23 JUROR NO. 6: YES.

24 THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
25 ANSWER?

26 JUROR NO. 7: YES.

27 THE CLERK: JUROR NUMBER 8, IS THAT YOUR  
28 ANSWER?

1 JUROR NO. 8: YES.

2 THE CLERK: JUROR NUMBER 9, IS THAT YOUR  
3 ANSWER?

4 JUROR NO. 9: YES.

5 THE CLERK: JUROR NUMBER 10, IS THAT YOUR  
6 ANSWER?

7 JUROR NO. 10: YES.

8 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
9 ANSWER?

10 JUROR NO. 11: YES.

11 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
12 ANSWER?

13 JUROR NO. 12: YES.

14 THE CLERK: ALL TWELVE ANSWER YES.

15 QUESTION 9: DID EITHER SUSAN PENDER OR  
16 KIMBERLY ROGERS ACT BECAUSE OF THIS OFFICIAL CUSTOM OR  
17 PRACTICE OR LACK OF POLICY OR PROCEDURE?

18 ANSWER: YES.

19 JUROR NUMBER 1, IS THAT YOUR ANSWER?

20 JUROR NO. 1: YES.

21 THE CLERK: JUROR NUMBER 2, IS THAT YOUR  
22 ANSWER?

23 JUROR NO. 2: YES.

24 THE CLERK: JUROR NUMBER 3, IS THAT YOUR  
25 ANSWER?

26 JUROR NO. 3: YES.

27 THE CLERK: JUROR NUMBER 4, IS THAT YOUR  
28 ANSWER?

1 JUROR NO. 4: YES.

2 THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
3 ANSWER?

4 JUROR NO. 5: YES.

5 THE CLERK: JUROR NUMBER 6, IS THAT YOUR  
6 ANSWER?

7 JUROR NO. 6: YES.

8 THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
9 ANSWER?

10 JUROR NO. 7: YES.

11 THE CLERK: JUROR NUMBER 8, IS THAT YOUR  
12 ANSWER?

13 JUROR NO. 8: YES.

14 THE CLERK: JUROR NUMBER 9, IS THAT YOUR  
15 ANSWER?

16 JUROR NO. 9: YES.

17 THE CLERK: JUROR NUMBER 10, IS THAT YOUR  
18 ANSWER?

19 JUROR NO. 10: YES.

20 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
21 ANSWER?

22 JUROR NO. 11: YES.

23 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
24 ANSWER?

25 JUROR NO. 12: YES.

26 THE CLERK: ALL TWELVE ANSWER YES.

27 QUESTION 10: WAS DCFS'S TRAINING PROGRAM  
28 AND/OR SUPERVISION OF ITS EMPLOYEES INADEQUATE TO TRAIN

1 AND/OR SUPERVISE ITS EMPLOYEES TO PROPERLY HANDLE USUAL  
2 AND RECURRING SITUATIONS?

3 ANSWER: YES.

4 JUROR NUMBER 1, IS THAT YOUR ANSWER?

5 JUROR NO. 1: YES.

6 THE CLERK: JUROR NUMBER 2, IS THAT YOUR  
7 ANSWER?

8 JUROR NO. 2: YES.

9 THE CLERK: JUROR NUMBER 3, IS THAT YOUR  
10 ANSWER?

11 JUROR NO. 3: YES.

12 THE CLERK: JUROR NUMBER 4, IS THAT YOUR  
13 ANSWER?

14 JUROR NO. 4: YES.

15 THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
16 ANSWER?

17 JUROR NO. 5: YES.

18 THE CLERK: JUROR NUMBER 6, IS THAT YOUR  
19 ANSWER?

20 JUROR NO. 6: YES.

21 THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
22 ANSWER?

23 JUROR NO. 7: YES.

24 THE CLERK: JUROR NUMBER 8, IS THAT YOUR  
25 ANSWER?

26 JUROR NO. 8: YES.

27 THE CLERK: JUROR NUMBER 9, IS THAT YOUR  
28 ANSWER?

1 JUROR NO. 9: YES.

2 THE CLERK: JUROR NUMBER 10, IS THAT YOUR  
3 ANSWER?

4 JUROR NO. 10: YES.

5 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
6 ANSWER?

7 JUROR NO. 11: YES.

8 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
9 ANSWER?

10 JUROR NO. 12: YES.

11 THE CLERK: ALL TWELVE ANSWER YES.

12 QUESTION 11: DID THE DCFS KNOW BECAUSE OF A  
13 PATTERN OF SIMILAR VIOLATIONS, OR SHOULD IT HAVE BEEN  
14 OBVIOUS TO IT, THAT ITS INADEQUATE TRAINING PROGRAM  
15 AND/OR SUPERVISION OF ITS EMPLOYEES WAS LIKELY TO  
16 RESULT IN REMOVAL OF RAFAELINA DUVAL'S CHILD FROM HER  
17 CARE WITHOUT FIRST OBTAINING A WARRANT?

18 ANSWER: YES.

19 JUROR NUMBER 1, IS THAT YOUR ANSWER?

20 JUROR NO. 1: YES.

21 THE CLERK: JUROR NUMBER 2, IS THAT YOUR  
22 ANSWER?

23 JUROR NO. 2: YES.

24 THE CLERK: JUROR NUMBER 3, IS THAT YOUR  
25 ANSWER?

26 JUROR NO. 3: YES.

27 THE CLERK: JUROR NUMBER 4, IS THAT YOUR  
28 ANSWER?

1 JUROR NO. 4: YES.

2 THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
3 ANSWER?

4 JUROR NO. 5: YES.

5 THE CLERK: JUROR NUMBER 6, IS THAT YOUR  
6 ANSWER?

7 JUROR NO. 6: YES.

8 THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
9 ANSWER?

10 JUROR NO. 7: YES.

11 THE CLERK: JUROR NUMBER 8, IS THAT YOUR  
12 ANSWER?

13 JUROR NO. 8: YES.

14 THE CLERK: JUROR NUMBER 9, IS THAT YOUR  
15 ANSWER?

16 JUROR NO. 9: YES.

17 THE CLERK: JUROR NUMBER 10, IS THAT YOUR  
18 ANSWER?

19 JUROR NO. 10: YES.

20 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
21 ANSWER?

22 JUROR NO. 11: YES.

23 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
24 ANSWER?

25 JUROR NO. 12: YES.

26 THE CLERK: ALL TWELVE ANSWER YES.

27 QUESTION 12: WAS THE FAILURE TO PROVIDE  
28 ADEQUATE TRAINING AND/OR SUPERVISION A SUBSTANTIAL

1 FACTOR IN CAUSING HARM TO RAFAELINA DUVAL?

2 ANSWER: YES.

3 JUROR NUMBER 1, IS THAT YOUR ANSWER?

4 JUROR NO. 1: YES.

5 THE CLERK: JUROR NUMBER 2, IS THAT YOUR  
6 ANSWER?

7 JUROR NO. 2: YES.

8 THE CLERK: JUROR NUMBER 3, IS THAT YOUR  
9 ANSWER?

10 JUROR NO. 3: YES.

11 THE CLERK: JUROR NUMBER 4, IS THAT YOUR  
12 ANSWER?

13 JUROR NO. 4: YES.

14 THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
15 ANSWER?

16 JUROR NO. 5: YES.

17 THE CLERK: JUROR NUMBER 6, IS THAT YOUR  
18 ANSWER?

19 JUROR NO. 6: YES.

20 THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
21 ANSWER?

22 JUROR NO. 7: YES.

23 THE CLERK: JUROR NUMBER 8, IS THAT YOUR  
24 ANSWER?

25 JUROR NO. 8: YES.

26 THE CLERK: JUROR NUMBER 9, IS THAT YOUR  
27 ANSWER?

28 JUROR NO. 9: YES.

1 THE CLERK: JUROR NUMBER 10, IS THAT YOUR  
2 ANSWER?

3 JUROR NO. 10: YES.

4 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
5 ANSWER?

6 JUROR NO. 11: YES.

7 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
8 ANSWER?

9 JUROR NO. 12: YES.

10 THE CLERK: ALL TWELVE ANSWER YES.

11 QUESTION 13: WAS THE CONDUCT OF  
12 VICTORIA SCHEELE OUTRAGEOUS?

13 ANSWER: NO.

14 JUROR NUMBER 1, IS THAT YOUR ANSWER?

15 JUROR NO. 1: YES.

16 THE CLERK: JUROR NUMBER 2, IS THAT YOUR  
17 ANSWER?

18 JUROR NO. 2: YES.

19 THE CLERK: JUROR NUMBER 3, IS THAT YOUR  
20 ANSWER?

21 JUROR NO. 3: YES.

22 THE CLERK: JUROR NUMBER 4, IS THAT YOUR  
23 ANSWER?

24 JUROR NO. 4: YES.

25 THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
26 ANSWER?

27 JUROR NO. 5: YES.

28 THE CLERK: JUROR NUMBER 6, IS THAT YOUR



1 ANSWER?

2 JUROR NO. 6: YES.

3 THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
4 ANSWER?

5 JUROR NO. 7: NO.

6 THE CLERK: JUROR NUMBER 8, IS THAT YOUR  
7 ANSWER?

8 JUROR NO. 8: YES.

9 THE CLERK: JUROR NUMBER 9, IS THAT YOUR  
10 ANSWER?

11 JUROR NO. 9: YES.

12 THE CLERK: JUROR NUMBER 10, IS THAT YOUR  
13 ANSWER?

14 JUROR NO. 10: YES.

15 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
16 ANSWER?

17 JUROR NO. 11: YES.

18 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
19 ANSWER?

20 JUROR NO. 12: YES.

21 THE CLERK: ELEVEN ANSWER YES, ONE ANSWERS NO.

22 QUESTION 18: IF YOU ANSWERED YES TO QUESTION  
23 FOUR, ANSWER A AND B. IF YOU ANSWERED YES TO QUESTION  
24 16, ANSWER C AND D. IF YOU ANSWERED YES TO BOTH  
25 QUESTIONS, ANSWER QUESTIONS A THROUGH D.

26 WHAT ARE RAFAELINA DUVAL'S DAMAGES?

27 A: PAST NON-ECONOMIC DAMAGES.

28 ENTER THE AMOUNT BELOW THAT YOU FIND THAT

1 EITHER DEFENDANT KIMBERLY ROGERS OR SUSAN PENDER OR  
2 COUNTY OF LOS ANGELES DCFS ARE LIABLE FOR THE  
3 UNWARRANTED SEIZURE OF BABY RYAN.

4 ANSWER: \$1,650,000.

5 JUROR NUMBER 1, IS THAT YOUR ANSWER?

6 JUROR NO. 1: YES.

7 THE CLERK: JUROR NUMBER 2, IS THAT YOUR  
8 ANSWER?

9 JUROR NO. 2: YES.

10 THE CLERK: JUROR NUMBER 3, IS THAT YOUR  
11 ANSWER?

12 JUROR NO. 3: YES.

13 THE CLERK: JUROR NUMBER 4, IS THAT YOUR  
14 ANSWER?

15 JUROR NO. 4: YES.

16 THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
17 ANSWER?

18 JUROR NO. 5: YES.

19 THE CLERK: JUROR NUMBER 6, IS THAT YOUR  
20 ANSWER?

21 JUROR NO. 6: YES.

22 THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
23 ANSWER?

24 JUROR NO. 7: YES.

25 THE CLERK: JUROR NUMBER 8, IS THAT YOUR  
26 ANSWER?

27 JUROR NO. 8: YES.

28 THE CLERK: JUROR NUMBER 9, IS THAT YOUR

1 ANSWER?

2 JUROR NO. 9: YES.

3 THE CLERK: JUROR NUMBER 10, IS THAT YOUR  
4 ANSWER?

5 JUROR NO. 10: YES.

6 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
7 ANSWER?

8 JUROR NO. 11: YES.

9 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
10 ANSWER?

11 JUROR NO. 12: YES.

12 THE CLERK: ALL TWELVE ANSWER YES.

13 B: FUTURE NON-ECONOMIC DAMAGES.

14 ENTER THE AMOUNT BELOW THAT YOU FIND THAT  
15 EITHER DEFENDANT KIMBERLY ROGERS OR SUSAN PENDER OR  
16 COUNTY OF LOS ANGELES DCFS ARE LIABLE FOR THE  
17 UNWARRANTED SEIZURE OF BABY RYAN.

18 ANSWER: \$1,290,000.

19 JUROR NUMBER 1, IS THAT YOUR ANSWER?

20 JUROR NO. 1: YES.

21 THE CLERK: JUROR NUMBER 2, IS THAT YOUR  
22 ANSWER?

23 JUROR NO. 2: YES.

24 THE CLERK: JUROR NUMBER 3, IS THAT YOUR  
25 ANSWER?

26 JUROR NO. 3: YES.

27 THE CLERK: JUROR NUMBER 4, IS THAT YOUR  
28 ANSWER?

1 JUROR NO. 4: YES.

2 THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
3 ANSWER?

4 JUROR NO. 5: YES.

5 THE CLERK: JUROR NUMBER 6, IS THAT YOUR  
6 ANSWER?

7 JUROR NO. 6: YES.

8 THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
9 ANSWER?

10 JUROR NO. 7: YES.

11 THE CLERK: JUROR NUMBER 8, IS THAT YOUR  
12 ANSWER?

13 JUROR NO. 8: YES.

14 THE CLERK: JUROR NUMBER 9, IS THAT YOUR  
15 ANSWER?

16 JUROR NO. 9: YES.

17 THE CLERK: JUROR NUMBER 10, IS THAT YOUR  
18 ANSWER?

19 JUROR NO. 10: YES.

20 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
21 ANSWER?

22 JUROR NO. 11: YES.

23 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
24 ANSWER?

25 JUROR NO. 12: YES.

26 THE CLERK: ALL TWELVE ANSWER YES.

27 VERDICT FORM 2, QUESTION 1: WAS

28 RAFAELINA DUVAL REGARDED AS HAVING A PHYSICAL OR MENTAL

1 IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE OF HER  
2 MAJOR LIFE ACTIVITIES BY AN EMPLOYEE OF THE COUNTY OF  
3 LOS ANGELES?

4 ANSWER: YES.

5 JUROR NUMBER 1, IS THAT YOUR ANSWER?

6 JUROR NO. 1: YES.

7 THE CLERK: JUROR NUMBER 2, IS THAT YOUR  
8 ANSWER?

9 JUROR NO. 2: YES.

10 THE CLERK: JUROR NUMBER 3, IS THAT YOUR  
11 ANSWER?

12 JUROR NO. 3: YES.

13 THE CLERK: JUROR NUMBER 4, IS THAT YOUR  
14 ANSWER?

15 JUROR NO. 4: YES.

16 THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
17 ANSWER?

18 JUROR NO. 5: YES.

19 THE CLERK: JUROR NUMBER 6, IS THAT YOUR  
20 ANSWER?

21 JUROR NO. 6: YES.

22 THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
23 ANSWER?

24 JUROR NO. 7: YES.

25 THE CLERK: JUROR NUMBER 8, IS THAT YOUR  
26 ANSWER?

27 JUROR NO. 8: YES.

28 THE CLERK: JUROR NUMBER 9, IS THAT YOUR

1 ANSWER?

2 JUROR NO. 9: YES.

3 THE CLERK: JUROR NUMBER 10, IS THAT YOUR  
4 ANSWER?

5 JUROR NO. 10: YES.

6 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
7 ANSWER?

8 JUROR NO. 11: YES.

9 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
10 ANSWER?

11 JUROR NO. 12: YES.

12 THE CLERK: ALL TWELVE ANSWER YES.

13 QUESTION 2: WAS RAFAELINA DUVAL EXCLUDED FROM  
14 PARTICIPATION IN OR DENIED THE BENEFITS OF THE  
15 SERVICES, PROGRAMS OR ACTIVITIES OF THE COUNTY OF LOS  
16 ANGELES OR SUBJECTED TO DISCRIMINATION BY AN EMPLOYEE  
17 OF THE COUNTY OF LOS ANGELES BECAUSE SHE WAS REGARDED  
18 AS DISABLED?

19 ANSWER: YES.

20 JUROR NUMBER 1, IS THAT YOUR ANSWER?

21 JUROR NO. 1: YES.

22 THE CLERK: JUROR NUMBER 2, IS THAT YOUR  
23 ANSWER?

24 JUROR NO. 2: YES.

25 THE CLERK: JUROR NUMBER 3, IS THAT YOUR  
26 ANSWER?

27 JUROR NO. 3: YES.

28 THE CLERK: JUROR NUMBER 4, IS THAT YOUR

1 ANSWER?

2 JUROR NO. 4: YES.

3 THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
4 ANSWER?

5 JUROR NO. 5: YES.

6 THE CLERK: JUROR NUMBER 6, IS THAT YOUR  
7 ANSWER?

8 JUROR NO. 6: NO.

9 THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
10 ANSWER?

11 JUROR NO. 7: YES.

12 THE CLERK: JUROR NUMBER 8, IS THAT YOUR  
13 ANSWER?

14 JUROR NO. 8: YES.

15 THE CLERK: JUROR NUMBER 9, IS THAT YOUR  
16 ANSWER?

17 JUROR NO. 9: YES.

18 THE CLERK: JUROR NUMBER 10, IS THAT YOUR  
19 ANSWER?

20 JUROR NO. 10: YES.

21 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
22 ANSWER?

23 JUROR NO. 11: YES.

24 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
25 ANSWER?

26 JUROR NO. 12: YES.

27 THE CLERK: ELEVEN ANSWER YES. ONE ANSWERS  
28 NO.

1           QUESTION 3: WAS DEFENDANT COUNTY OF LOS  
2 ANGELES' EXCLUSION, DENIAL OR DISCRIMINATION OF  
3 RAFAELINA DUVAL DONE WITH DELIBERATE INDIFFERENCE OR  
4 INTENTIONAL DISCRIMINATION OF HER RIGHTS?

5           ANSWER: YES.

6           JUROR NUMBER 1, IS THAT YOUR ANSWER?

7           JUROR NO. 1: NO.

8           THE CLERK: JUROR NUMBER 2, IS THAT YOUR  
9 ANSWER?

10          JUROR NO. 2: YES.

11          THE CLERK: JUROR NUMBER 3, IS THAT YOUR  
12 ANSWER?

13          JUROR NO. 3: YES.

14          THE CLERK: JUROR NUMBER 4, IS THAT YOUR  
15 ANSWER?

16          JUROR NO. 4: YES.

17          THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
18 ANSWER?

19          JUROR NO. 5: YES.

20          THE CLERK: JUROR NUMBER 6, IS THAT YOUR  
21 ANSWER?

22          JUROR NO. 6: YES.

23          THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
24 ANSWER?

25          JUROR NO. 7: YES.

26          THE CLERK: JUROR NUMBER 8, IS THAT YOUR  
27 ANSWER?

28          JUROR NO. 8: YES.



1 THE CLERK: JUROR NUMBER 9, IS THAT YOUR  
2 ANSWER?

3 JUROR NO. 9: YES.

4 THE CLERK: JUROR NUMBER 10, IS THAT YOUR  
5 ANSWER?

6 JUROR NO. 10: YES.

7 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
8 ANSWER?

9 JUROR NO. 11: YES.

10 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
11 ANSWER?

12 JUROR NO. 12: YES.

13 THE CLERK: ELEVEN ANSWER YES, ONE ANSWERS NO.  
14 QUESTION 4: WAS RAFAELINA DUVAL REGARDED AS  
15 HAVING A DISABILITY IMPAIRMENT BY COUNTY OF LOS ANGELES  
16 AND/OR ITS EMPLOYEES?

17 ANSWER: YES.

18 JUROR NUMBER 1, IS THAT YOUR ANSWER?

19 JUROR NO. 1: YES.

20 THE CLERK: JUROR NUMBER 2, IS THAT YOUR  
21 ANSWER?

22 JUROR NO. 2: YES.

23 THE CLERK: JUROR NUMBER 3, IS THAT YOUR  
24 ANSWER?

25 JUROR NO. 3: YES.

26 THE CLERK: JUROR NUMBER 4, IS THAT YOUR  
27 ANSWER?

28 JUROR NO. 4: YES.

1 THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
2 ANSWER?

3 JUROR NO. 5: YES.

4 THE CLERK: JUROR NUMBER 6, IS THAT YOUR  
5 ANSWER?

6 JUROR NO. 6: YES.

7 THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
8 ANSWER?

9 JUROR NO. 7: YES.

10 THE CLERK: JUROR NUMBER 8, IS THAT YOUR  
11 ANSWER?

12 JUROR NO. 8: YES.

13 THE CLERK: JUROR NUMBER 9, IS THAT YOUR  
14 ANSWER?

15 JUROR NO. 9: YES.

16 THE CLERK: JUROR NUMBER 10, IS THAT YOUR  
17 ANSWER?

18 JUROR NO. 10: YES.

19 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
20 ANSWER?

21 JUROR NO. 11: YES.

22 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
23 ANSWER?

24 JUROR NO. 12: YES.

25 THE CLERK: ALL TWELVE ANSWER YES.

26 QUESTION 5: WAS RAFAELINA DUVAL OTHERWISE  
27 QUALIFIED TO PARTICIPATE IN THE BENEFITS OR SERVICES OF  
28 THE COUNTY OF LOS ANGELES?

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28

ANSWER: YES.

JUROR NUMBER 1, IS THAT YOUR ANSWER?

JUROR NO. 1: YES.

THE CLERK: JUROR NUMBER 2, IS THAT YOUR ANSWER?

JUROR NO. 2: YES.

THE CLERK: JUROR NUMBER 3, IS THAT YOUR ANSWER?

JUROR NO. 3: YES.

THE CLERK: JUROR NUMBER 4, IS THAT YOUR ANSWER?

JUROR NO. 4: YES.

THE CLERK: JUROR NUMBER 5, IS THAT YOUR ANSWER?

JUROR NO. 5: YES.

THE CLERK: JUROR NUMBER 6, IS THAT YOUR ANSWER?

JUROR NO. 6: YES.

THE CLERK: JUROR NUMBER 7, IS THAT YOUR ANSWER?

JUROR NO. 7: YES.

THE CLERK: JUROR NUMBER 8, IS THAT YOUR ANSWER?

JUROR NO. 8: YES.

THE CLERK: JUROR NUMBER 9, IS THAT YOUR ANSWER?

JUROR NO. 9: YES.

THE CLERK: JUROR NUMBER 10, IS THAT YOUR

1 ANSWER?

2 JUROR NO. 10: YES.

3 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
4 ANSWER?

5 JUROR NO. 11: YES.

6 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
7 ANSWER?

8 JUROR NO. 12: YES.

9 THE CLERK: ALL TWELVE ANSWER YES.  
10 QUESTION 6: DID THE COUNTY OF LOS ANGELES  
11 RECEIVE FEDERAL FINANCIAL ASSISTANCE?

12 ANSWER: YES.

13 JUROR NUMBER 1, IS THAT YOUR ANSWER?

14 JUROR NO. 1: YES.

15 THE CLERK: JUROR NUMBER 2, IS THAT YOUR  
16 ANSWER?

17 JUROR NO. 2: YES.

18 THE CLERK: JUROR NUMBER 3, IS THAT YOUR  
19 ANSWER?

20 JUROR NO. 3: YES.

21 THE CLERK: JUROR NUMBER 4, IS THAT YOUR  
22 ANSWER?

23 JUROR NO. 4: YES.

24 THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
25 ANSWER?

26 JUROR NO. 5: YES.

27 THE CLERK: JUROR NUMBER 6, IS THAT YOUR  
28 ANSWER?

1 JUROR NO. 6: YES.

2 THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
3 ANSWER?

4 JUROR NO. 7: YES.

5 THE CLERK: JUROR NUMBER 8, IS THAT YOUR  
6 ANSWER?

7 JUROR NO. 8: YES.

8 THE CLERK: JUROR NUMBER 9, IS THAT YOUR  
9 ANSWER?

10 JUROR NO. 9: YES.

11 THE CLERK: JUROR NUMBER 10, IS THAT YOUR  
12 ANSWER?

13 JUROR NO. 10: YES.

14 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
15 ANSWER?

16 JUROR NO. 11: YES.

17 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
18 ANSWER?

19 JUROR NO. 12: YES.

20 THE CLERK: ALL TWELVE ANSWER YES.

21 QUESTION 7: WAS RAFAELINA DUVAL DENIED  
22 BENEFITS OR SERVICES BY THE COUNTY OF LOS ANGELES  
23 AND/OR ITS EMPLOYEES SOLELY BECAUSE SHE WAS REGARDED AS  
24 BEING DISABLED?

25 ANSWER: NO.

26 JUROR NUMBER 1, IS THAT YOUR ANSWER?

27 JUROR NO. 1: YES.

28 THE CLERK: JUROR NUMBER 2, IS THAT YOUR

1 ANSWER?

2 JUROR NO. 2: YES.

3 THE CLERK: JUROR NUMBER 3, IS THAT YOUR  
4 ANSWER?

5 JUROR NO. 3: YES.

6 THE CLERK: JUROR NUMBER 4, IS THAT YOUR  
7 ANSWER?

8 JUROR NO. 4: YES.

9 THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
10 ANSWER?

11 JUROR NO. 5: YES.

12 THE CLERK: JUROR NUMBER 6, IS THAT YOUR  
13 ANSWER?

14 JUROR NO. 6: YES.

15 THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
16 ANSWER?

17 JUROR NO. 7: YES.

18 THE CLERK: JUROR NUMBER 8, IS THAT YOUR  
19 ANSWER?

20 JUROR NO. 8: YES.

21 THE CLERK: JUROR NUMBER 9, IS THAT YOUR  
22 ANSWER?

23 JUROR NO. 9: YES.

24 THE CLERK: JUROR NUMBER 10, IS THAT YOUR  
25 ANSWER?

26 JUROR NO. 10: YES.

27 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
28 ANSWER?

1 JUROR NO. 11: YES.

2 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
3 ANSWER?

4 JUROR NO. 12: YES.

5 THE CLERK: ALL TWELVE ANSWER YES.

6 QUESTION NUMBER 8: AS TO EACH DEFENDANT  
7 LISTED BELOW, ANSWER THE FOLLOWING QUESTION: DID  
8 DEFENDANTS DENY AND/OR AID OR INCITE A DENIAL OF AND/OR  
9 DISCRIMINATE OR MAKE A DISTINCTION THAT DENIED FULL AND  
10 EQUAL ACCOMMODATIONS OR ADVANTAGES OR FACILITIES OR  
11 PRIVILEGES OR SERVICES TO RAFAELINA DUVAL?

12 DEFENDANT CANDIS NELSON.

13 ANSWER: YES.

14 JUROR NUMBER 1, IS THAT YOUR ANSWER?

15 JUROR NO. 1: YES.

16 THE CLERK: JUROR NUMBER 2, IS THAT YOUR  
17 ANSWER?

18 JUROR NO. 2: YES.

19 THE CLERK: JUROR NUMBER 3, IS THAT YOUR  
20 ANSWER?

21 JUROR NO. 3: YES.

22 THE CLERK: JUROR NUMBER 4, IS THAT YOUR  
23 ANSWER?

24 JUROR NO. 4: YES.

25 THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
26 ANSWER?

27 JUROR NO. 5: YES.

28 THE CLERK: JUROR NUMBER 6, IS THAT YOUR

1 ANSWER?

2 JUROR NO. 6: YES.

3 THE CLERK: JUROR NUMBER 7, IS THAT YOUR

4 ANSWER?

5 JUROR NO. 7: YES.

6 THE CLERK: JUROR NUMBER 8, IS THAT YOUR

7 ANSWER?

8 JUROR NO. 8: YES.

9 THE CLERK: JUROR NUMBER 9, IS THAT YOUR

10 ANSWER?

11 JUROR NO. 9: YES.

12 THE CLERK: JUROR NUMBER 10, IS THAT YOUR

13 ANSWER?

14 JUROR NO. 10: YES.

15 THE CLERK: JUROR NUMBER 11, IS THAT YOUR

16 ANSWER?

17 JUROR NO. 11: YES.

18 THE CLERK: JUROR NUMBER 12, IS THAT YOUR

19 ANSWER?

20 JUROR NO. 12: YES.

21 THE CLERK: ALL TWELVE ANSWER YES.

22 DEFENDANT VICTORIA SCHEELE.

23 ANSWER: NO.

24 JUROR NUMBER 1, IS THAT YOUR ANSWER?

25 JUROR NO. 1: YES.

26 THE CLERK: JUROR NUMBER 2, IS THAT YOUR

27 ANSWER?

28 JUROR NO. 2: YES.



1 THE CLERK: JUROR NUMBER 3, IS THAT YOUR  
2 ANSWER?

3 JUROR NO. 3: YES.

4 THE CLERK: JUROR NUMBER 4, IS THAT YOUR  
5 ANSWER?

6 JUROR NO. 4: YES.

7 THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
8 ANSWER?

9 JUROR NO. 5: YES.

10 THE CLERK: JUROR NUMBER 6, IS THAT YOUR  
11 ANSWER?

12 JUROR NO. 6: YES.

13 THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
14 ANSWER?

15 JUROR NO. 7: YES.

16 THE CLERK: JUROR NUMBER 8, IS THAT YOUR  
17 ANSWER?

18 JUROR NO. 8: YES.

19 THE CLERK: JUROR NUMBER 9, IS THAT YOUR  
20 ANSWER?

21 JUROR NO. 9: YES.

22 THE CLERK: JUROR NUMBER 10, IS THAT YOUR  
23 ANSWER?

24 JUROR NO. 10: YES.

25 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
26 ANSWER?

27 JUROR NO. 11: YES.

28 THE CLERK: JUROR NUMBER 12, IS THAT YOUR

1 ANSWER?

2 JUROR NO. 12: YES.

3 THE CLERK: ALL TWELVE ANSWER YES.

4 DEFENDANT COUNTY OF LOS ANGELES.

5 ANSWER: YES.

6 JUROR NUMBER 1, IS THAT YOUR ANSWER?

7 JUROR NO. 1: YES.

8 THE CLERK: JUROR NUMBER 2, IS THAT YOUR

9 ANSWER?

10 JUROR NO. 2: YES.

11 THE CLERK: JUROR NUMBER 3, IS THAT YOUR

12 ANSWER?

13 JUROR NO. 3: YES.

14 THE CLERK: JUROR NUMBER 4, IS THAT YOUR

15 ANSWER?

16 JUROR NO. 4: YES.

17 THE CLERK: JUROR NUMBER 5, IS THAT YOUR

18 ANSWER?

19 JUROR NO. 5: YES.

20 THE CLERK: JUROR NUMBER 6, IS THAT YOUR

21 ANSWER?

22 JUROR NO. 6: YES.

23 THE CLERK: JUROR NUMBER 7, IS THAT YOUR

24 ANSWER?

25 JUROR NO. 7: YES.

26 THE CLERK: JUROR NUMBER 8, IS THAT YOUR

27 ANSWER?

28 JUROR NO. 8: YES.

1 THE CLERK: JUROR NUMBER 9, IS THAT YOUR  
2 ANSWER?

3 JUROR NO. 9: YES.

4 THE CLERK: JUROR NUMBER 10, IS THAT YOUR  
5 ANSWER?

6 JUROR NO. 10: YES.

7 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
8 ANSWER?

9 JUROR NO. 11: YES.

10 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
11 ANSWER?

12 JUROR NO. 12: YES.

13 THE CLERK: ALL TWELVE ANSWER YES.

14 QUESTION NUMBER 9: AS TO EACH DEFENDANT  
15 LISTED BELOW, ANSWER THE FOLLOWING QUESTION:

16 WAS DEFENDANT OR DEFENDANT'S CONDUCT A  
17 SUBSTANTIAL FACTOR IN CAUSING HARM TO RAFAELINA DUVAL.  
18 DEFENDANT CANDIS NELSON.

19 ANSWER: NO.

20 JUROR NUMBER 1, IS THAT YOUR ANSWER?

21 JUROR NO. 1: YES.

22 THE CLERK: JUROR NUMBER 2, IS THAT YOUR  
23 ANSWER?

24 JUROR NO. 2: YES.

25 THE CLERK: JUROR NUMBER 3, IS THAT YOUR  
26 ANSWER?

27 JUROR NO. 3: YES.

28 THE CLERK: JUROR NUMBER 4, IS THAT YOUR

1 ANSWER?

2 JUROR NO. 4: YES.

3 THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
4 ANSWER?

5 JUROR NO. 5: YES.

6 THE CLERK: JUROR NUMBER 6, IS THAT YOUR  
7 ANSWER?

8 JUROR NO. 6: YES.

9 THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
10 ANSWER?

11 JUROR NO. 7: YES.

12 THE CLERK: JUROR NUMBER 8, IS THAT YOUR  
13 ANSWER?

14 JUROR NO. 8: YES.

15 THE CLERK: JUROR NUMBER 9, IS THAT YOUR  
16 ANSWER?

17 JUROR NO. 9: YES.

18 THE CLERK: JUROR NUMBER 10, IS THAT YOUR  
19 ANSWER?

20 JUROR NO. 10: YES.

21 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
22 ANSWER?

23 JUROR NO. 11: YES.

24 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
25 ANSWER?

26 JUROR NO. 12: YES.

27 THE CLERK: ALL TWELVE ANSWER YES.

28 DEFENDANT VICTORIA SCHEELE.

1 ANSWER: NO.  
2 JUROR NUMBER 1, IS THAT YOUR ANSWER?  
3 JUROR NO. 1: YES.  
4 THE CLERK: JUROR NUMBER 2, IS THAT YOUR  
5 ANSWER?  
6 JUROR NO. 2: YES.  
7 THE CLERK: JUROR NUMBER 3, IS THAT YOUR  
8 ANSWER?  
9 JUROR NO. 3: YES.  
10 THE CLERK: JUROR NUMBER 4, IS THAT YOUR  
11 ANSWER?  
12 JUROR NO. 4: YES.  
13 THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
14 ANSWER?  
15 JUROR NO. 5: YES.  
16 THE CLERK: JUROR NUMBER 6, IS THAT YOUR  
17 ANSWER?  
18 JUROR NO. 6: YES.  
19 THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
20 ANSWER?  
21 JUROR NO. 7: YES.  
22 THE CLERK: JUROR NUMBER 8, IS THAT YOUR  
23 ANSWER?  
24 JUROR NO. 8: YES.  
25 THE CLERK: JUROR NUMBER 9, IS THAT YOUR  
26 ANSWER?  
27 JUROR NO. 9: YES.  
28 THE CLERK: JUROR NUMBER 10, IS THAT YOUR

1 ANSWER?

2 JUROR NO. 10: YES.

3 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
4 ANSWER?

5 JUROR NO. 11: YES.

6 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
7 ANSWER?

8 JUROR NO. 12: YES.

9 THE CLERK: ALL TWELVE ANSWER YES.  
10 DEFENDANT COUNTY OF LOS ANGELES.

11 ANSWER: YES.

12 JUROR NUMBER 1, IS THAT YOUR ANSWER?

13 JUROR NO. 1: YES.

14 THE CLERK: JUROR NUMBER 2, IS THAT YOUR  
15 ANSWER?

16 JUROR NO. 2: YES.

17 THE CLERK: JUROR NUMBER 3, IS THAT YOUR  
18 ANSWER?

19 JUROR NO. 3: YES.

20 THE CLERK: JUROR NUMBER 4, IS THAT YOUR  
21 ANSWER?

22 JUROR NO. 4: YES.

23 THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
24 ANSWER?

25 JUROR NO. 5: YES.

26 THE CLERK: JUROR NUMBER 6, IS THAT YOUR  
27 ANSWER?

28 JUROR NO. 6: YES.

1 THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
2 ANSWER?

3 JUROR NO. 7: YES.

4 THE CLERK: JUROR NUMBER 8, IS THAT YOUR  
5 ANSWER?

6 JUROR NO. 8: YES.

7 THE CLERK: JUROR NUMBER 9, IS THAT YOUR  
8 ANSWER?

9 JUROR NO. 9: YES.

10 THE CLERK: JUROR NUMBER 10, IS THAT YOUR  
11 ANSWER?

12 JUROR NO. 10: YES.

13 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
14 ANSWER?

15 JUROR NO. 11: YES.

16 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
17 ANSWER?

18 JUROR NO. 12: YES.

19 THE CLERK: ALL TWELVE ANSWER YES.

20 QUESTION 10: IN ADDITION TO THE DAMAGES IN  
21 VERDICT FORM 1, WHAT ADDITIONAL DAMAGES ARE  
22 RAFAELINA DUVAL'S DAMAGES, IF ANY?

23 A: ENTER THE AMOUNT BELOW THAT YOU FIND THAT  
24 EITHER DEFENDANT CANDIS NELSON, OR VICTORIA SCHEELE, OR  
25 COUNTY OF LOS ANGELES, ARE LIABLE FOR PAST ECONOMIC  
26 DAMAGES.

27 ANSWER: \$165,000.

28 JUROR NUMBER 1, IS THAT YOUR ANSWER?

1 JUROR NO. 1: YES.

2 THE CLERK: JUROR NUMBER 2, IS THAT YOUR  
3 ANSWER?

4 JUROR NO. 2: YES.

5 THE CLERK: JUROR NUMBER 3, IS THAT YOUR  
6 ANSWER?

7 JUROR NO. 3: YES.

8 THE CLERK: JUROR NUMBER 4, IS THAT YOUR  
9 ANSWER?

10 JUROR NO. 4: YES.

11 THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
12 ANSWER?

13 JUROR NO. 5: YES.

14 THE CLERK: JUROR NUMBER 6, IS THAT YOUR  
15 ANSWER?

16 JUROR NO. 6: YES.

17 THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
18 ANSWER?

19 JUROR NO. 7: NO.

20 THE CLERK: JUROR NUMBER 8, IS THAT YOUR  
21 ANSWER?

22 JUROR NO. 8: YES.

23 THE CLERK: JUROR NUMBER 9, IS THAT YOUR  
24 ANSWER?

25 JUROR NO. 9: YES.

26 THE CLERK: JUROR NUMBER 10, IS THAT YOUR  
27 ANSWER?

28 JUROR NO. 10: YES.



1 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
2 ANSWER?

3 JUROR NO. 11: YES.

4 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
5 ANSWER?

6 JUROR NO. 12: YES.

7 THE CLERK: ELEVEN ANSWER YES, ONE ANSWERS NO.

8 B: ENTER THE AMOUNT BELOW THAT YOU FIND  
9 EITHER DEFENDANT CANDIS NELSON, VICTORIA SCHEELE, OR  
10 COUNTY OF LOS ANGELES ARE LIABLE FOR FUTURE  
11 NON-ECONOMIC DAMAGES.

12 ANSWER: ZERO.

13 JUROR NUMBER 1, IS THAT YOUR ANSWER?

14 JUROR NO. 1: YES.

15 THE CLERK: JUROR NUMBER 2, IS THAT YOUR  
16 ANSWER?

17 JUROR NO. 2: YES.

18 THE CLERK: JUROR NUMBER 3, IS THAT YOUR  
19 ANSWER?

20 JUROR NO. 3: YES.

21 THE CLERK: JUROR NUMBER 4, IS THAT YOUR  
22 ANSWER?

23 JUROR NO. 4: YES.

24 THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
25 ANSWER?

26 JUROR NO. 5: YES.

27 THE CLERK: JUROR NUMBER 6, IS THAT YOUR  
28 ANSWER?

1 JUROR NO. 6: YES.

2 THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
3 ANSWER?

4 JUROR NO. 7: NO.

5 THE CLERK: JUROR NUMBER 8, IS THAT YOUR  
6 ANSWER?

7 JUROR NO. 8: YES.

8 THE CLERK: JUROR NUMBER 9, IS THAT YOUR  
9 ANSWER?

10 JUROR NO. 9: YES.

11 THE CLERK: JUROR NUMBER 10, IS THAT YOUR  
12 ANSWER?

13 JUROR NO. 10: YES.

14 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
15 ANSWER?

16 JUROR NO. 11: YES.

17 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
18 ANSWER?

19 JUROR NO. 12: YES.

20 THE CLERK: ELEVEN ANSWER YES, ONE ANSWERS NO.

21 QUESTION 11: WHAT AMOUNT, IF ANY, DO YOU  
22 AWARD AS PENALTY AGAINST DEFENDANTS CANDIS NELSON,  
23 VICTORIA SCHEELE, AND/OR COUNTY OF LOS ANGELES?

24 ANSWER: ZERO.

25 JUROR NUMBER 1, IS THAT YOUR ANSWER?

26 JUROR NO. 1: YES.

27 THE CLERK: JUROR NUMBER 2, IS THAT YOUR  
28 ANSWER?

1 JUROR NO. 2: YES.

2 THE CLERK: JUROR NUMBER 3, IS THAT YOUR  
3 ANSWER?

4 JUROR NO. 3: YES.

5 THE CLERK: JUROR NUMBER 4, IS THAT YOUR  
6 ANSWER?

7 JUROR NO. 4: YES.

8 THE CLERK: JUROR NUMBER 5, IS THAT YOUR  
9 ANSWER?

10 JUROR NO. 5: YES.

11 THE CLERK: JUROR NUMBER 6, IS THAT YOUR  
12 ANSWER?

13 JUROR NO. 6: YES.

14 THE CLERK: JUROR NUMBER 7, IS THAT YOUR  
15 ANSWER?

16 JUROR NO. 7: NO.

17 THE CLERK: JUROR NUMBER 8, IS THAT YOUR  
18 ANSWER?

19 JUROR NO. 8: YES.

20 THE CLERK: JUROR NUMBER 9, IS THAT YOUR  
21 ANSWER?

22 JUROR NO. 9: YES.

23 THE CLERK: JUROR NUMBER 10, IS THAT YOUR  
24 ANSWER?

25 JUROR NO. 10: YES.

26 THE CLERK: JUROR NUMBER 11, IS THAT YOUR  
27 ANSWER?

28 JUROR NO. 11: YES.

1 THE CLERK: JUROR NUMBER 12, IS THAT YOUR  
2 ANSWER?

3 JUROR NO. 12: YES.

4 THE CLERK: ELEVEN ANSWER YES, ONE ANSWERS NO.

5 THE COURT: ALL RIGHT. THE COURT FINDS THAT  
6 NINE OR MORE HAVE AGREED TO EACH ANSWER IN EACH OF THE  
7 VERDICT FORMS. THE CLERK IS ORDERED TO RECORD THE  
8 MINUTES IN THE MINUTES OF THE COURT.

9 NOW, LADIES AND GENTLEMEN, WE HAVE SOME  
10 ADDITIONAL BUSINESS.

11 BECAUSE OF YOUR FINDING AGAINST ONE OR MORE  
12 DEFENDANTS OF MALICE, OPPRESSION OR FRAUD, THERE WILL  
13 BE -- NEED TO BE A SECOND PHASE OF THE TRIAL TO  
14 DETERMINE WHAT AMOUNT, IF ANY, OF PUNITIVE DAMAGES  
15 SHOULD BE AWARDED AGAINST ANY OF THE DEFENDANTS WHOM  
16 YOU FOUND GUILTY OF MALICE, OPPRESSION OR FRAUD.

17 I'LL JUST TELL YOU IN ADVANCE THAT THIS PHASE,  
18 THE SECOND PHASE FOR THIS PURPOSE IS REALLY QUITE  
19 SHORT. I DON'T WANT TO SAY ANYTHING MORE THAN THAT.  
20 BUT IT'S REALLY QUITE SHORT.

21 SO I'M AWARE THAT JUROR NUMBER 11 HAD BEEN  
22 PROMISED THAT SHE WOULD BE EXCUSED, BOTH FROM THIS  
23 COMING FRIDAY, TOMORROW, AS WELL AS THE FOLLOWING  
24 MONDAY. AS A RESULT OF THAT, AS PROMISED BY THE COURT,  
25 I EXCUSE JUROR NUMBER 11 FOR THE REASONS OF THE PRIOR  
26 PROMISE.

27 SO, MS. HANDERSON, YOU ARE EXCUSED AT THIS  
28 TIME AND YOU WILL NOT BE ASKED TO PARTICIPATE IN THE

1 NEXT PHASE OF THE TRIAL. IT DOESN'T SEEM AFTER ALL THE  
2 TIME YOU'VE BEEN HERE -- WELL, THERE'S BUSINESS TO  
3 HANDLE. IT IS GETTING LATE.

4 I WANT TO THANK YOU, AND THAT THANKS DOESN'T  
5 REALLY GO FAR ENOUGH BUT IN THE INTEREST OF TIME, I  
6 HOPE YOU'LL UNDERSTAND THAT WHAT I'D REALLY LIKE TO  
7 EXPRESS TO YOU IS CONSIDERABLY MORE EXPANSIVE THAN THAT  
8 BECAUSE OF ALL OF THE TIME YOU'VE SPENT WITH THIS.

9 IF YOU SEE DEANNA, SHE HAS WHAT NEEDS TO BE  
10 COMPLETED ON BEHALF OF THE JURY ROOM WHICH IS NO LONGER  
11 OPEN TODAY, SO THAT I CAN EXCUSE YOU, AND YOU CAN TAKE  
12 CARE OF THIS WITH DEANNA, AND THEN YOU CAN GO ON YOUR  
13 WAY.

14 WE'RE NOT FINISHED YET. I APPRECIATE IT IF  
15 EVERYBODY REMAIN SEATED. YOU MAY LEAVE, MS. HANDERSON,  
16 AND WE WISH YOU THE VERY BEST.

17 NOW, I DON'T NEED THE CLERK TO PICK THE NAME  
18 OF THE NEXT ALTERNATE JUROR TO BE SEATED. OUR ONE  
19 REMAINING JUROR MAY NOW BECOME A MEMBER TO THE REGULAR  
20 PANEL AS JUROR NUMBER 11.

21 THE NEXT THING I NEED TO COVER WITH YOU IS  
22 THIS. I'VE GOT TWO OPTIONS FOR YOU FOR THE NEXT PHASE.  
23 MY BEST ESTIMATE OF THE PUNITIVE DAMAGE PHASE, I  
24 BELIEVE THAT REASONABLY, IT COULD BE DONE IN A DAY.

25 THERE WILL BE SOME EVIDENCE TAKEN. THERE WILL  
26 BE SOME ADDITIONAL INSTRUCTIONS, BUT AS I'M SITTING  
27 HERE RIGHT NOW, I CAN THINK OF ONE FURTHER INSTRUCTION  
28 THAT I'D GIVE YOU. I'LL REVIEW THAT TO SEE IF MAYBE

1 THERE'S TWO OR THREE, INSTEAD OF ONE, BUT IT'S REALLY  
2 ONE INSTRUCTION.

3 AND YOU'LL BE GIVEN AN ADDITIONAL VERDICT FORM  
4 TO COMPLETE. THE CHOICE I WANT TO GIVE YOU IS THIS:  
5 WE HAVE -- INCIDENTALLY, I DON'T NEED AN ANSWER RIGHT  
6 OUT LOUD BECAUSE IF YOU WOULD LIKE TO, I'M HAPPY TO  
7 HAVE YOU CONFER AMONG YOURSELVES.

8 BUT IF NECESSARY, IF IT'S MORE SUITABLE TO LET  
9 YOU HAVE ANY DISCUSSION YOU'D HAVE, TO GO BACK IN THE  
10 JURY ROOM LONG ENOUGH TO LET US KNOW WHAT YOUR  
11 PREFERENCE IS.

12 THE CHOICE I'M GIVING IS, WE CAN PROCEED WITH  
13 THE NEXT PHASE OF THE TRIAL TOMORROW OR WE CAN DO IT  
14 MONDAY OF NEXT WEEK.

15 THE JUROR: WHEN YOU SAY ONE DAY, IS THAT A --

16 THE COURT: IS THAT A BETTER ESTIMATE THAN THE  
17 LAST ONE?

18 THE JUROR: DOES THAT INCLUDE WHAT YOU EXPECT  
19 OUR DELIBERATION TO BE?

20 THE COURT: I WOULD EXPECT WE CAN COMPLETE THE  
21 EVIDENCE AND HAVE WHAT I BELIEVE WOULD BE AMPLE TIME TO  
22 DELIBERATE.

23 I CAN'T PREDICT HOW LONG DELIBERATIONS MIGHT  
24 TAKE, BUT I CAN TELL YOU THAT THE EVIDENCE IN THIS  
25 PHASE OF THE TRIAL DOES NOT TAKE A GREAT DEAL OF TIME.  
26 AND SO I AM GIVING YOU THAT ESTIMATE.

27 OUR FIRST ESTIMATE I GAVE YOU WAS NOT VERY  
28 GOOD. BUT I'M -- I NEVER HEARD THE EVIDENCE IN THIS

1 CASE BEFORE YOU DID. AND SO I RELIED ON OTHER  
2 INFORMATION IN GIVING YOU AN ESTIMATE FOR THE FIRST  
3 PHASE.

4 I'LL GET YOU TO IN A MOMENT. I DO KNOW WHAT  
5 EVIDENCE THERE CAN BE BECAUSE IT'S VERY LIMITED IN A  
6 SECOND PHASE LIKE THIS. AND I DON'T EXPECT TO TAKE  
7 VERY LONG, BUT I CANNOT GUARANTEE IT WILL BE DONE IN  
8 ONE DAY.

9 IT'S POSSIBLE TO GO TO A SECOND DAY. YOU HAVE  
10 A QUESTION?

11 THE JUROR: BEST ESTIMATE, WOULD THE JURY HAVE  
12 AT LEAST TWO HOURS OF DELIBERATIONS TIME?

13 THE COURT: MY BEST ESTIMATE IS YES. LOOK.  
14 THE REASON I'M GIVING YOU A CHOICE IS REALLY FOR  
15 CONVENIENCE. BUT I -- I DO HAVE AN ULTERIOR MOTIVE.

16 WHILE YOU'VE BEEN DELIBERATING, I'VE BEEN  
17 ENGAGED IN JURY SELECTION FOR THE NEXT TRIAL, NOT  
18 KNOWING WHETHER WE WERE GOING TO HAVE A FURTHER PHASE  
19 OF THIS TRIAL.

20 WHEN WE LEARNED THAT YOU HAD A VERDICT, I SENT  
21 THOSE JURORS HOME, AND I ORDERED THEM BACK IN THE  
22 MORNING. HOWEVER, THAT -- YOU HAVE PRIORITY. AND  
23 UNFORTUNATELY, EVEN IF THEY COME BACK IN THE MORNING,  
24 THEN I'M GOING TO SEND THEM HOME FOR THE DAY.

25 SO I'M GOING TO SEE THAT WE GET THIS CONCLUDED  
26 FOR YOU AS YOU CHOOSE TO DO IT, AND YOUR CHOICE COULD  
27 BE EITHER TOMORROW OR FRIDAY.

28 ALL OF YOU, WE'RE GOING TO RECESS AT THIS

1 TIME. AS FAR AS YOU'RE CONCERNED, DURING THE PERIOD OF  
2 RECESS AND BEFORE YOU RETURN, AND YOU'RE ORDERED TO  
3 RETURN AT 9:00 A.M. TOMORROW MORNING, PLEASE REMEMBER  
4 THE ADMONITION, WHICH REMAINS IN EFFECT.

5 YOU CANNOT DISCUSS THIS CASE WITH ANYONE,  
6 INCLUDING AMONG YOURSELVES AT THIS STAGE, OR ANYONE  
7 ELSE, NOR RECEIVE NOR SEEK ANY COMMUNICATION WITH  
8 ANYONE ON ANY SUBJECT OR ISSUE OR PERSON INVOLVED IN  
9 THE CASE.

10 THE REASON FOR THAT ADMONITION IS THAT YOUR  
11 JOB IS NOT YET QUITE COMPLETE. EVERYONE UNDERSTAND THE  
12 ADMONITION?

13 THE JUROR: ONE QUESTION. CAN WE COME AT  
14 8:00 A.M.?

15 (A DISCUSSION WAS HELD OFF THE RECORD.)

16 THE COURT: IT WILL BE 9:00 A.M. TOMORROW  
17 MORNING. SO ALL OF YOU ARE NOW EXCUSED. WE'LL SEE YOU  
18 BACK AT 9:00 A.M. TOMORROW.

19 (JURY EXCUSED)

20 (PAUSE IN THE PROCEEDINGS)

21 THE COURT: SO AS FAR AS COUNSEL ARE  
22 CONCERNED, I'LL SEE YOU AT 8:30. THAT SHOULD COME AS  
23 NO SURPRISE TO YOU.

24 I AM ORDERING A MEET AND CONFER, NOT  
25 NECESSARILY A FACE-TO-FACE, BUT I AM ORDERING A MEET  
26 AND CONFER TO SEE IF IT WOULD BE POSSIBLE TO REACH AN  
27 AGREEMENT OR AGREEMENTS ON THE ISSUES THAT I JUST  
28 DISCUSSED.



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SO I'LL SEE YOU BACK TOMORROW MORNING.

(WHEREUPON, AT THE HOUR OF 5:47 P.M.,  
THE PROCEEDINGS WERE ADJOURNED.)

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(THE NEXT PAGE NUMBER IS 10801)