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SUPERIOR COURT OF THE STATE OF CALIFORNIA

CITY AND COUNTY OF SAN FRANCISCO – UNLIMITED JURISDICTION

PETER HENDRICKSON BICE,

Plaintiff,

vs.

JAN DEMPSEY, JONNA HARLAN, PAUL DEL ROSARIO and JULIE MARTINEZ,

Defendants.

Case No. 300-340

[redacted] JUDGMENT ON SPECIAL VERDICT

Date Action Filed: January 6, 1999
Trial Date: October 16, 2000

This action came on regularly for trial on October 16, 2000 in Department 303 of the Superior Court for the City and County of San Francisco, the Honorable Douglas Munson, presiding. Deputy City Attorneys Matthew Davis and Brian Gearinger appeared on behalf of defendants Chief Deputy Jan Dempsey, Lieutenant Jonna Harlan, Senior Deputy Paul Del Rosario and Deputy Julie Martinez (collectively "Defendants"). John Houston Scott, Esq. of Prentice & Scott and Leroy Lounibos, Esq. of Lounibos, Lounibos & Tinney appeared on behalf of plaintiff Peter Bice ("Plaintiff").

A jury of twelve persons was regularly impaneled and sworn. Witnesses were sworn and testified. Evidence was admitted. After hearing the evidence and arguments of counsel, this Court instructed the jury and the cause was submitted to the jury with directions to return a verdict on special issues.

The first issue was as follows: "Do you find by a preponderance of the evidence that any of the Defendants were negligent?" By a vote of 9-3, the jury answered this question as follows: "Yes."

The second issue was as follows: "Please specify which Defendants were negligent: Jan Dempsey, Jonna Harlan, Julie Martinez, Paul Del Rosario." By a vote of 9-3, the jury answered the question of negligence as to Jonna Harlan as follows: "Yes." By a vote of 10-2, the jury answered the question of negligence as to Paul Del Rosario as follows: "No." The jury did not answer the question of negligence as to Jan Dempsey or Julie Martinez.

The third issue was as follows: "Do you find by a preponderance of the evidence that any of the Defendants' negligence caused Peter Bice's injuries?" By a vote of 10-2, the jury answered this question as follows: "No."

The fourth issue was as follows: "Do you find by a preponderance of the evidence that any of the Defendants engaged in outrageous conduct resulting in injuries to Peter Bice?" By a vote of 12-0, the jury answered this question as follows: "No."

This Court then polled the jury and confirmed the above votes. A copy of the Special Verdict is attached as Exhibit A.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. That Defendants have judgment in their favor and that Plaintiff take nothing from Defendants as a result of this judgment; and

2. That Defendants shall recover their costs from Plaintiff, pursuant to Code of Civil Procedure Sections 1032 and 1033.5, as shall be submitted in Defendants' Memorandum of Costs.

TH

Dated: ~~November~~ DECEMBER 27, 2000

D.C.M

The Honorable Douglas Munson
JUDGE OF THE SUPERIOR COURT