

# TRIALS DIGEST®

THE COMPREHENSIVE SOURCE FOR CALIFORNIA CIVIL TRIAL RESULTS

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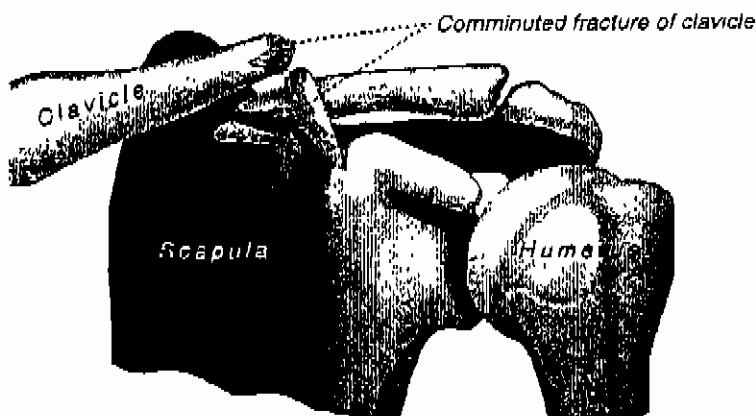
<i>Notable Cases in This Week's Issue...</i>	Result	Page
Settlement—Defective workmanship in apartments	\$12,500,000	7
Attorney defrauds elderly woman	\$4,719,436	12
Settlement—Delay in C-section results in brain damage	\$5,500,000	16
Settlement—Prominent researcher crushed by truck	\$875,000	32
Motorcyclist's fatal accident blamed on road condition	Defense	18
Plaintiff bitten by dog that bolted out of doggie-door	\$50,793	5
Software company sues Hitachi for breach of contract	\$1,492,982	9
Parents allege negligence in death of premature twin	Defense	16
Arbitration—Bank executive claims gender discrimination	\$508,558	13

**EXPERT WITNESS BRIAN P. BRINIG CASES  
SEE BONUS SECTION ON PAGE 43**

***Woman alleges trip/fall over  
loose tile at airport: Defense***

Trial Report: Page 20

Detailed Exhibit: Page 4



<i>Inside</i>	<i>Page</i>
Week at a Glance .....	1
Trial Trends .....	3
Medical Illustrations.....	4
Labor & Employment .....	13
Medical Malpractice .....	15
Vehicle Negligence .....	28
Other Case Types.....	5-32
Indexes .....	33
Bonus Section .....	43

## **Plaintiff falsely accused and prosecuted for crime he did not commit**

### **CIVIL RIGHTS**

False Arrest/Illegal Search

### **CENTRAL DISTRICT FEDERAL COURT**

*Ramirez v. Los Angeles County Sheriff's Department*, No. CV06102GAF(II), Los Angeles. Gary A. Feess. Jury trial: 3 weeks. Verdict/judgment: 2/14/2006.

### **VERDICT/JUDGMENT: \$18,000,000**

The issues of punitive damages and attorney fees were postponed while the parties negotiated a global settlement in the amount of \$9,300,000 to be paid in three installments, two in 2006 and one in 2007. Vote: Not reported.

Deliberations: 2.5 hours.

### **TRIAL COUNSEL**

**Plaintiff:** Michael Artan, Law Offices of Michael Artan, Los Angeles. Michael Sobel, Law Offices of Michael Sobel, Beverly Hills. Michael J. Olecki, Grodsky & Olecki, Santa Monica.

**Defendant:** Donald R. Beck, Manning & Marder, Kass, Elliot, Ramirez, Los Angeles. Patrick L. Hurley, Manning & Marder, Kass, Elliot, Ramirez, Los Angeles.

### **FACTS/CONTENTIONS**

According to plaintiff: Plaintiff Raul Ramirez, a 29-year-old schoolteacher, was arrested for kidnapping with the intent to force oral copulation, assault, and other felonies. Plaintiff alleged that defendant Detective Frank Bravo manipulated the eyewitness identification of plaintiff by the victim and included false and misleading information in his affidavit to obtain a search warrant. Detective Bravo further withheld exculpatory evidence from the deputy district attorney responsible for determining if the case against plaintiff should be charged.

As a result of the misconduct of Detective Bravo, plaintiff was incarcerated for 10 months and 10 days, during which he was subjected to constant threats and was spit upon and urinated on by other prisoners because of the nature of the charges brought against him.

#### **CLAIMED INJURIES**

According to plaintiff: Post-traumatic stress disorder diagnosed by Richard Romanoff, Ph.D., forensic psychologist, and confirmed by Walter Greenberg, Ph.D., plaintiff's treating psychologist.

#### **CLAIMED DAMAGES**

According to plaintiff: Medical damages; \$380,000 damages related to plaintiff's successful criminal defense and loss of earnings and pension from his job with the Los Angeles Unified School District, which was terminated shortly after his arrest.

#### **SETTLEMENT DISCUSSIONS**

According to plaintiff: The defense offered \$250,000 in settlement after a mediation with the Hon. Eric Younger (Ret.). No specific amount was ever identified by plaintiff as a demand for settlement.

#### **TRIAL EXPERTS**

Plaintiff: Roger Clark, police procedures consultant, Santee (208) 351-2458. Walter Greenberg, Ph.D., clinical psychologist, West Los Angeles (310) 824-2087. Richard Romanoff, Ph.D., forensic psychologist, Los Angeles (310) 443-1570. Robert Wunderlich, Ph.D., economist, Discovery Economics, Los Angeles (213) 617-6153. Kathy Kellermann, Ph.D., jury and trial consultant, Trial Behavior Consulting, Los Angeles (310) 826-2005. Steven Clark, Ph.D., eyewitness identification expert, Riverside. Lynda Larsen, private investigator, Larsen AVR Investigations, Los Angeles (213) 533-8440. Al Ristuccia, private investigator, Larsen AVR Investigations, Los Angeles (213) 533-8440.

Defendant: Jared L. Zwickey, police procedures consultant, College of San Mateo, San Mateo (209) 954-5151.

#### **COMMENTS**

According to plaintiff: Contributing to plaintiff's emotional injuries was the fact that, when arrested, he had just recently returned from his honeymoon, having been married approximately 20 days before his arrest.

No jury interviews were conducted after the verdict because of the uncertainty if the case would be settled. As of this date, no jury interviews have been conducted, but it is anticipated that they will occur at some time in the future.

Michael Sobel provided the information for this report.

Editor's note: A report on this case, based on information provided by plaintiff's counsel Michael J. Olecki, was published in volume 9, Issue 12 of Trials Digest (12 TD 9th 2).