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FILED
Superior Court of California
County of Los Angeles

NOV 03 2016

Sherri R. Carter, Executive Officer/Clerk
By  Deputy
Don Brontoff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA,
COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

RAFAELINA DUVAL,
Plaintiff,

vs.

**COUNTY OF LOS ANGELES;
SUSAN PENDER, KIMBERLY
ROGERS, MUZEYYEN BALABAN,
CANDIS NELSON, TIKA SMITH,
VICTORIA SCHEELE, ELBA
PINEDO,**
Defendants.

Case Number: BC470714

VERDICT FORM # 1

1 We, the jury, answer the questions submitted to us as follows:

2
3 **42 U.S.C. § 1983 (Unwarranted Seizure)**

4
5 1. As to each defendant listed below, answer the following question: Did
6 defendant(s) remove, or participate in making the decision to remove Rafaelina
7 Duval's child from her care without first obtaining a warrant?

8
9 Defendant Susan Pender 12 Yes No

10 Defendant Kimberly Rogers 12 Yes No

11
12 If any of your answers to question 1 is "yes," as to any defendant, then
13 answer question 2. If you answered "no," to all defendants then skip to question
14 number 13.

15
16 **Defense of Exigency**

17 2. Have Defendants proven that, at the time they seized the child, they
18 possessed specific and articulable facts to show that Rafaelina Duval's son was
19 likely to experience serious bodily harm in the time it would take to obtain a
20 warrant?

21
22 Defendant Susan Pender 2 Yes 10 No

23 Defendant Kimberly Rogers 2 Yes 10 No

24
25 If any of your answers to question 2 is "yes," as to any defendant, then
26 answer question 3. If you answered "no," to all defendants then skip to question
27 number 4.

1 3. Have Defendants proven that the removal of Rafaelina Duval's son
2 from her care without first obtaining a warrant was reasonably necessary to avert a
3 specific injury on November 3, 2009.

4 ___ Yes ___ No

7 If your answer to question number 3 is "yes," then skip to question number
8 13. If you answered "no," then answer question number 4.

10 4. Was the removal of Rafaelina Duval's child from her care without first
11 obtaining a warrant a substantial factor in causing harm to Rafaelina Duval?

12 12 Yes _____ No

14 If your answer to question 4 is "yes," then answer question 6. If you
15 answered "no," then skip to question number 13.

17 **Malice, Oppression, Fraud**

18 5. As to any defendant as to whom you answered "yes" to question
19 number 1 did that defendant engage in the conduct with malice, oppression, or
20 fraud?

22 Defendant Susan Pender 12 Yes ___ No

23 Defendant Kimberly Rogers 12 Yes ___ No

25 Answer question number 6.

26 ///

27 ///

1 **County of Los Angeles Custom, Practice and/or Lack of Policy**
2 **(Unwarranted Seizures)**

3 6. Did the County of Los Angeles Department of Children and Family
4 Services (hereafter "DCFS") have an official custom and/or practice of seizing
5 children from their parents without a warrant?

6 12 Yes _____ No

7
8 Answer question number 7.

9
10 7. Did DCFS fail to enact an official policy or procedure when it should
11 have done so?

12 12 Yes _____ No

13
14 If your answer to question 6 or 7 is "yes," then answer question 8. If you
15 answered "no" to both 6 and 7, then skip to question number 10.

16
17 8. Did DCFS know, because of a pattern of similar violations, or should
18 it have been obvious to it, that its official customs or practices, or failure to enact
19 an official policy or procedure was likely to result in the violation of a parent's
20 right to be free of unwarranted seizures of their children?

21 12 Yes _____ No

22
23 If your answer to question number 8 is "yes," then answer question number
24 9. If your answer to question number 8 is "no," then skip to question number 10.

25
26 9. Did either Susan Pender or Kimberly Rogers act because of this
27 official custom or practice, or lack of policy or procedure.

28 12 Yes _____ No

1 Answer question # 10.

2
3 **County of Los Angeles Training/Supervision**
4 **(Unwarranted Seizure)**

5 10. Was DCFS's training program and/or supervision of its employees
6 inadequate to train and/or supervise its employees to properly handle usual and
7 recurring situations?

8 12 Yes _____ No

9
10 If your answer to question 10 is "yes," then answer question 11. If you
11 answered "no," then skip to question number 13.

12
13 11. Did the DCFS know because of a pattern of similar violations, or
14 should it have been obvious to it, that its inadequate training program and/or
15 supervision of its employees was likely to result in the removal Rafaelina Duval's
16 child from her care without first obtaining a warrant?

17 12 Yes _____ No

18
19 If your answer to question 11 is "yes," then answer question 12. If you
20 answered "no," then skip to question number 13.

21
22 12. Was the failure to provide adequate training and/or supervision a
23 substantial factor in causing harm to Rafaelina Duval?

24 12 Yes _____ No

25
26 Proceed to question number 13.

27 ///

1 **Intentional Infliction of Emotional Distress**

2 13. Was the conduct of Victoria Scheele outrageous?

3 / Yes // No

4
5 If you answered “yes,” then answer question 14. If you answered “no,” But
6 answered yes to question number 4, then skip to question number 18. If you
7 answered “no” both this question and question number 4 then sign and return this
8 verdict form.

9
10 14. Did Victoria Scheele intend to cause Rafaelina Duval emotional
11 distress, or act with reckless disregard of the probability that Rafaelina Duval
12 would suffer emotional distress?

13 Yes No

14
15 If you answered “yes,” then answer question 15. If you answered “no,” but
16 answered yes to question number 4, then skip to question number 18. If you
17 answered “no” to both this question and question number 4 then sign and return
18 this verdict form.

19
20 15. Did Rafaelina Duval suffer severe emotional distress?

21 Yes No

22
23 If any of your answers to question 15 is “yes,” then answer question 16. If
24 you answered “no,” then skip to question number 18.

25
26 16. Was Defendant Victoria Scheele’s conduct a substantial factor in
27 causing Rafaelina Duval’s severe emotional distress?

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____ Yes ____ No

If your answer to question 16 is "yes," then answer question 17. If you answered "no," then skip to question number 18.

Malice, Oppression, Fraud

17. Did Victoria Scheele engage in the conduct with malice, oppression, or fraud?

____ Yes ____ No

Answer question number 18.

18. If you answered "yes" to question number 4, then answer questions A and B. If you answered "yes" to question 16 then answer questions C and D. If you answered "yes" to both questions then answer questions A through D.

What are Rafaelina Duval's damages?

A. Past Non-Economic Damages: Enter the amount below that you find that either Defendant Kimberly Rogers or Susan Pender or County of Los Angeles DCFS are liable for the unwarranted seizure of baby Ryan.

\$ 1,650,000

B. Future Non-Economic Damages: Enter the amount below that you find that either Defendant Kimberly Rogers or Susan Pender or County of Los Angeles DCFS are liable for the unwarranted seizure of baby Ryan.

\$ 1,290,000

Subtotal for Unwarranted Seizure \$ 2,940,000

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What are Rafaelina Duval's damages?

C. Past Non-Economic Damages: Enter the amount below that you find that Defendant Victoria Scheele is liable for intentional infliction of emotional distress.

\$ _____

D. Future Non-Economic Damages: Enter the amount below that you find that Defendant Victoria Scheele is liable for intentional infliction of emotional distress.

\$ _____

Subtotal for Intentional Infliction of Emotional Distress

\$ _____

TOTAL DAMAGES: \$ 2,940,000

Signed: Eleanora Haan

Presiding Juror

Dated: 11/3/2016

(After all verdict forms have been signed, this verdict form must be delivered to the Court attendant.)