

Daily Journal

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CIVIL RIGHTS

FALSE ARREST Malicious Prosecution

VERDICT: \$18 million.

CASE/NUMBER: Raul Ramirez
v. County of Los Angeles / 2:
04CV06102GAFFMO

COURT/DATE: USDC Central /
February 16, 2006

JUDGE: Hon. Gary A. Feess

ATTORNEYS: Plaintiff - Michael
H. Artan (Los Angeles); Plaintiff
- Michael J. Olecki (Grodsky
& Olecki LLP, Santa Monica);
Plaintiff - Michael Sobel (Beverly
Hills);

Defendant - Donald R. Beck
(Manning & Marder, Kass, Elrod,
Ramirez, LLP, Los Angeles);
Defendant - Patrick L. Hurley
(Manning & Marder, Kass, Elrod,
Ramirez, LLP, Los Angeles);

MEDICAL EXPERTS: Plaintiff
- Walter P. Greenberg, Ph.D.,
psychology, Los Angeles; Plaintiff
- Richard Romanoff, Ph.D.,
forensic psychology, Los Angeles;

TECHNICAL EXPERTS: Plaintiff
- Roger A. Clark, police practices
and procedures, Santee; Plaintiff -
Steven E. Clark, Ph.D., eyewitness
identification, Riverside; Plaintiff
- Robert Wunderlich, Ph.D.,
economics, Los Angeles; Plaintiff
- Kathy Kellerman, Ph.D., M.S.,
jury consultation, Los Angeles;
Plaintiff - Lynda S. Larson, private
investigation, Los Angeles;
Plaintiff - Al Ristuccia, private
investigation, Los Angeles;

Defendant - Jared Zwickey, police
practices and procedures, Tracy;

FACTS: In May 2002, a 16-
year-old girl was forced into a
car at gunpoint while waiting
for a school bus in South Los
Angeles, then driven to another
location where the perpetrator
attempted to sexually assault her.
Approximately eight months later,
on Jan. 10, 2003, plaintiff, a 26-
year-old special education teacher,
was arrested for the kidnapping
and assault of the victim after she
saw plaintiff's car being driven
in the vicinity of the crime. Ten
months later, the plaintiff was
found not guilty in state court of
kidnapping to commit forcible
oral copulation, making criminal
threats, using a tear gas weapon,
and assault with a firearm. The
plaintiff then brought this action
against defendants.

PLAINTIFF'S CONTENTIONS:
The plaintiff contended that he
was falsely arrested, illegally
searched, maliciously prosecuted
for a crime he did not commit,
and that his civil rights were
intentionally violated. The plaintiff

contended that the Sheriff's
Department had no probable
cause to arrest or search plaintiff,
that they ignored, fabricated
and/or concealed exculpatory
and exonerating evidence, and
that the defendant Sheriff's
Department did nothing to
prevent defendant Bravo, the
lead detective in the case, from
violating plaintiff's constitutional
rights.

DEFENDANTS' CONTENTIONS:
The defendants contended that
the victim identified plaintiff as
the perpetrator and that defendant
Bravo was doing his job. The
defendants further claimed that,
because the District Attorney
independently filed charges
against plaintiff, probable cause
was presumed to exist. Defendant
Bravo also contended that he had
"qualified immunity" because a
reasonably prudent officer would
have believed that Bravo's actions
were proper and constitutional.

INJURIES: Post-traumatic
stress disorder, physical injury,
emotional distress, damage to
reputation, loss of earnings, and
other economic damages.

JURY TRIAL: Length, three
weeks; Poll, 9-0; Deliberation, 2.5
hours

SETTLEMENT DISCUSSIONS:
The plaintiff demanded an
unspecified seven-figure
amount. Three days before trial
defendants offered \$250,000 and,
according to defense counsel, had
recommended significantly more.

RESULT: \$18 million against
County of Los Angeles, Los
Angeles County Sheriff's Dept.,
and Frank Bravo.

OTHER INFORMATION:

After the verdict, the parties
reached a settlement in which
the Sheriff's Department agreed
to pay plaintiff \$9.3 million,
including attorney's fees, to be
paid over three fiscal years. None
of the plaintiff's attorneys had
previously tried a civil rights
case. The verdict amount was
the largest-ever single-plaintiff's
verdict against the Los Angeles
County Sheriff's Department.

On Oct. 25, 2005, the court
granted summary judgment
on behalf of defendants as to
plaintiff's Monell claims and the
wrongful jail classification claim.
The court also granted summary
judgment for defendants as to
plaintiff's claim that exculpatory
evidence was withheld during
the criminal case as well as
plaintiff's claim under the Eighth
Amendment.

According to plaintiff's counsel,
in opposing defendants' summary
judgment motion, plaintiff
requested that the court issue
a certification that any appeal
regarding qualified immunity
would be "frivolous." The court
granted plaintiff's request,
thereby preventing a two- to
three- year delay pending a
potential interlocutory appeal.
Defendants then filed an appeal
and requested that the District
Court proceedings be stayed. The
Ninth Circuit denied defendants'
request, and defendants
dismissed their appeal.

Mediation was held before retired
Judge Eric Younger.