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LAWYERS FOR INSURANCE POLICYHOLDERS



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FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

MAY 18 2009

By Edmond J. Castro
Deputy

7 Attorneys for Plaintiffs

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF SAN BERNARDINO

12 MARY MEDEIROS, an individual

13 Plaintiff,

14 vs.

15 THE BEAVER MEDICAL CLINIC, INC.,
16 a California Corporation; BEAVER
17 MEDICAL GROUP, L.P., a limited
18 partnership;

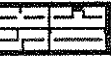
19 Defendants

Case No.: CIVSS 704385

~~[PROPOSED]~~ JUDGMENT ON
SPECIAL VERDICTS

21 This action came regularly for trial on April 20, 2009, in Department S34 of the
22 above entitled court, the Honorable Janet Frangie, Judge Presiding. Plaintiff Mary
23 Medeiros was represented by Gregory L. Bentley, Esq., of Shernoff Bidart Darras
24 Echeverria, LLP. Defendants Beaver Medical Clinic, Inc., and Beaver Medical Group,
25 L.P., were represented by Jeffrey W. Grass, Esq., of Davis, Grass, Goldstein &
26 Housouer.

27 A jury of 12 persons was regularly impaneled and sworn/acknowledged and
28 agreed to try the cause. Witnesses were sworn and testified. After hearing the



1 evidence and argument of counsel, the jury was instructed by the Court and the cause
2 was submitted to the jury with directions to return a verdict on special issues.

3 The jury deliberated and thereafter returned into court on May 7, 2009 with its
4 verdict of the trial consisting of the special issues submitted to the jury and the answers
5 given thereto by the jury, which said verdict was in words and figures as follows, to wit:
6

7 "We, the jury, after deliberations, answer the questions submitted to us as
8 follows:
9

10 1. Was there a contract between plaintiff and Health Net?
11 X Yes No **12-0**
12

13 If your answer to question 1 is yes, then answer question 2. If you answered no,
14 stop here, answer no further questions, and have the foreperson sign and date this
15 form.
16

17 2. Did Defendants BEAVER MEDICAL CLINIC, INC. and BEAVER MEDICAL
18 GROUP, L.P. know of the contract?
19 X Yes No **12-0**

20 If your answer to question 2 is yes, then answer question 3. If you answered no, stop
21 here, answer no further questions, and have the foreperson sign and date this form.
22

23 3. Did Defendants BEAVER MEDICAL CLINIC, INC. and BEAVER MEDICAL
24 GROUP, L.P. intend to disrupt the performance of this contract?
25 X Yes No **11-1**

26 Regardless of whether your answer to question 3 is yes or no, answer question 4.
27
28

1 4. Did Defendants BEAVER MEDICAL CLINIC, INC. and BEAVER MEDICAL
2 GROUP, L.P negligently interfere with the performance of the contract?

3 X Yes No **12-0**

4
5 If your answer to questions 3 or 4 is yes, then answer question 5. If you answered no
6 to both questions 3 and 4, stop here, answer no further questions, and have the
7 foreperson sign and date this form.

8
9 5. Did Defendants BEAVER MEDICAL CLINIC, INC. and BEAVER MEDICAL
10 GROUP, L.P's conduct prevent performance or make performance of the contract more
11 difficult?

12 X Yes No **12-0**

13 If your answer to question 5 is yes, then answer question 6. If you answered no, stop
14 here, answer no further questions, and have the foreperson sign and date this form.

15
16 6. Was Defendants BEAVER MEDICAL CLINIC, INC. and BEAVER MEDICAL
17 GROUP, L.P's conduct a substantial factor in causing harm to plaintiff Mary Medeiros?

18 X Yes No **12-0**

19
20 If your answer to question 6 is yes, then answer question 7. If you answered no,
21 stop here, answer no further questions, and have the foreperson sign and date this
22 form.

23
24 7. What are plaintiff Mary Medeiros' damages?

- 25 a. Past Noneconomic Damages **9-3**
- 26 Past noneconomic damages includes, but is not limited to,
- 27 Physical pain and suffering, emotional distress/mental
- 28 Suffering, anxiety, humiliation, loss of enjoyment of life **\$ 850,000**

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1	b.	Future physical pain and suffering	10-2
2		Future noneconomic damages includes, but is not limited to,	
3		Physical pain and suffering, emotional distress/mental suffering,	
4		anxiety, humiliation, loss of enjoyment of life	\$ 20,000
5			
6			TOTAL \$870,000"

8 It appearing by reason of said special verdicts that plaintiff MARY MEDEIROS is
9 entitled to judgment in her favor and against defendants THE BEAVER MEDICAL
10 CLINIC, INC. and BEAVER MEDICAL GROUP, L.P.

11 NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED AS
12 FOLLOWS:

13 That plaintiff MARY MEDEIROS, shall have and recover \$870,000 as damages
14 against defendants THE BEAVER MEDICAL CLINIC, INC. and BEAVER MEDICAL
15 GROUP, L.P. together with interest thereon at the legal rate (currently ten per cent per
16 annum) from the date of the entry of judgment until paid

17 That plaintiff MARY MEDEIROS shall have and recover \$ PERL COST MEMO as
18 costs, together with interest thereon at the legal rate (currently ten per cent per annum)
19 from the date of the entry of judgment until paid, from THE BEAVER MEDICAL CLINIC,
20 INC. and BEAVER MEDICAL GROUP, L.P.

21
22 Dated: 5-18-09

JANET M. FRANGIE

JUDGE OF THE SUPERIOR COURT

23
24
25
26
27
28

Re: *Medeiros v. Health Net of California, et al.*
Case No.: CIVSS 704385
Consolidated with: *Medeiros v. James M. Carritte, MD*
Case No.: SCVSS 142819

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 600 South Indian Hill Boulevard, Claremont, California 91711.

On **May 14, 2009**, I served the foregoing documents described as **[PROPOSED] JUDGMENT ON SPECIAL VERDICTS** on the interested parties in this action by placing ___ the original XX a true copy thereof enclosed in sealed envelopes addressed as follows:

PLEASE SEE ATTACHED SERVICE LIST

BY MAIL I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Claremont, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

BY FACSIMILE ("FAX") In addition to the manner of service indicated above, a copy was sent by FAX to the parties indicated on the service List.

BY OVERNIGHT MAIL/COURIER To expedite service, copies were sent via FEDERAL EXPRESS.

BY PERSONAL SERVICE I caused to be delivered such envelope by hand to the individual(s) indicated on the service list.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on **May 14, 2009**, at Claremont, California.


DEBBIE HUNTER

Re: *Medeiros v. Health Net of California, et al.*
Case No.: CIVSS 704385
Consolidated with: *Medeiros v. James M. Carritte, MD*
Case No.: SCVSS 142819

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