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DEPT. 96  
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Superior Court of California  
County of Los Angeles

AUG 25 2017

Sherril B. Carter, Executive Officer/Clerk  
By Denise Gonzalez Deputy

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES - CENTRAL DISTRICT

RICKEY MOLAND,  
  
Plaintiff,  
  
vs.  
  
MCWANE, INC.; CLOW  
CORPORATION; CLOW VALVE  
COMPANY; AND DOES 1-50,  
inclusive  
  
Defendants.

Case No. BC 559796  
  
~~RECEIVED~~ JUDGMENT ON  
SPECIAL VERDICT  
  
Dept.: 96

This action came on regularly for trial on June 13, 2017, in Department 96 of the above-entitled Court, the Honorable Victor E. Chavez, Judge of the Superior Court, presiding. Attorney Carney R. Shegerian of Shegerian & Associates, Inc. and Peter A. Javanmardi of Javanmardi Law, P.C. and The Mirrokian Law Firm, P.C. appeared for plaintiff Rickey Moland. Attorneys James A. Bowles and Elissa L. Gysi of Hill, Farrer & Burrill LLP appeared for defendant McWane, Inc.

A jury of twelve persons was regularly impaneled and sworn and agreed to try the cause. Witnesses were sworn and testified. After hearing the evidence and arguments of counsel, the jury was duly instructed by the Court and the cause was submitted to the jury with directions to return a special verdict. The jury

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1 deliberated and thereafter returned to court with its special verdict on the issues  
2 submitted and the answers given thereto by the jury, which verdict was in words  
3 and figures as follows:

4  
5 **SPECIAL VERDICT**  
6

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

8  
9 **Race and Color Discrimination / Wrongful Termination Causes of Action**

10 1. Was Rickey Moland's race or color a substantial motivating reason in  
11 McWane, Inc.'s decision to discharge Rickey Moland?

12  Yes  No

13 If your answer to question 1 is yes, then answer question 2. If you answered  
14 no, then go to question 5.

15 2. Standing alone, was Rickey Moland's alleged inability to get along  
16 with his superiors, coworkers and subordinates also a substantial motivating reason  
17 in McWane, Inc.'s decision to discharge him?

18  Yes  No

19 If your answer to question 2 is yes, then answer question 3. If you answered  
20 no, then go to question 4.

21 3. Would McWane, Inc. have discharged Rickey Moland on March 27,  
22 2012 based on his alleged inability to get along with his superiors, coworkers and  
23 subordinates had McWane, Inc. not also been substantially motivated by his race or  
24 color?

25  Yes  No

26 If your answer to question 3 is no, then answer question 4. If you answered  
27 yes, then go to question 5.

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1 4. Was McWane, Inc.'s discharge a substantial factor in causing harm to  
2 Rickey Moland?

3  Yes \_\_\_ No

4 Go to question 5.

5  
6 **Retaliation Cause of Action**

7 5. Did Rickey Moland oppose employment practices that he reasonably  
8 believed to constitute race or color discrimination and/or racial harassment prior to  
9 his discharge from McWane, Inc.?

10 \_\_\_ Yes  No

11 If your answer to question 5 is yes, then answer question 6. If you answered  
12 no, then go to question 10.

13 6. Was Rickey Moland's complaint of race or color discrimination and/or  
14 racial harassment a substantial motivating reason in McWane, Inc.'s decision to  
15 discharge Rickey Moland?

16 \_\_\_ Yes \_\_\_ No

17 If your answer to question 6 is yes, then answer question 7. If you answered  
18 no, then go to question 10.

19 7. Standing alone, was Rickey Moland's alleged inability to get along  
20 with his superiors, coworkers and subordinates also a substantial motivating reason  
21 in McWane, Inc.'s decision to discharge him?

22 \_\_\_ Yes \_\_\_ No

23 If your answer to question 7 is yes, then answer question 8. If you answered  
24 no, then go to question 9.

25 8. Would McWane, Inc. have discharged Rickey Moland on March 27,  
26 2012 based on his alleged inability to get along with his superiors, coworkers and  
27 subordinates had McWane, Inc. not also been substantially motivated by race or  
28 color?

1           \_\_\_ Yes \_\_\_ No

2           If your answer to question 8 is no, then answer question 9. If you answered  
3 yes, then go to question 10.

4  
5           9.     Was McWane, Inc.'s discharge a substantial factor in causing harm to  
6 Rickey Moland?

7           \_\_\_ Yes \_\_\_ No

8           Go to question 10.

9

10   **Failure to Prevent Discrimination and Retaliation Cause of Action**

11           10.   If you answered "Yes" to questions 4 and/or 9, then answer the  
12 following question. If not, stop here, answer no further questions, and have the  
13 presiding juror sign and date this form:

14           Did McWane, Inc. fail to take all reasonable steps to prevent race or color  
15 discrimination and retaliation?

16            Yes \_\_\_ No

17           If your answer to question 10 is yes, then answer question 11. If you  
18 answered no, then go to question 12.

19           11.   Was McWane, Inc.'s failure to prevent race or color discrimination  
20 and retaliation for complaints of race discrimination and/or racial harassment a  
21 substantial factor in causing harm to Rickey Moland?

22            Yes \_\_\_ No

23           Go to question 12.

24

25   **After Acquired Evidence Doctrine**

26           12.   If you answered "Yes" to questions 4 and/or 9, then answer the  
27 following question. If not, stop here, answer no further questions, and have the  
28 presiding juror sign and date this form:

1 Did Rickey Moland make audio recordings of other employees without their  
2 consent?

3  Yes \_\_\_ No

4 If your answer to question 12 is yes, then answer question 13. If you  
5 answered no, then go to question 14.

6 13. If McWane had discovered that Rickey Moland made audio recordings  
7 of other employees without their consent, would it have terminated him as a matter  
8 of settled policy?

9 \_\_\_ Yes  No

10 If your answer to question 13 is yes, then go to question 15. If you answered  
11 no, then go to question 14.

12

13 **Damages for Discriminatory Conduct**

14 14. If you answered "Yes" to questions 4, 9 and/or 11 and answered "No"  
15 to question 12 and/or 13, please add up and state the total amount of damages, if  
16 any, to be awarded to Rickey Moland on all causes of action listed above for which  
17 you have provided the specified "Yes." Otherwise, stop here, answer no further  
18 questions, and have the presiding juror sign and date this form. (Note: If you  
19 decide that Rickey Moland prevails on more than one of the above causes of action  
20 and if the damages he suffered on different causes of action are identical to one  
21 another, count that identical damage only once.)

22

23	a. Past Economic Loss	\$ 151,584
24	b. Future Economic Loss	\$ 221,930
25	c. Past Non-Economic Loss	\$ 1,250,000
26	d. Future Non-Economic Loss	\$ 1,250,000
27		Total: \$ 2,873,514

28

1 If Rickey Moland has not proved any actual damages, stop here, answer no  
2 further questions, and have the presiding juror sign and date this form. If you  
3 awarded actual damages, answer question 16.

4 **Damages for Discriminatory Conduct (With After-Acquired Evidence)**

5 15. If you answered "Yes" to questions 4, 9 and/or 11 and answered "Yes"  
6 to question 13, please add up and state the total amount of damages, if any, to be  
7 awarded to Rickey Moland on all causes of action listed above for which you have  
8 provided the specified "Yes" through the time that McWane would have terminated  
9 Rickey Moland for recording his coworkers without permission. Otherwise, stop  
10 here, answer no further questions, and have the presiding juror sign and date this  
11 form. (Note: If you decide that Rickey Moland prevails on more than one of the  
12 above causes of action and if the damages he suffered on different causes of action  
13 are identical to one another, count that identical damage only once.)

- 14  
15 a. Past Economic Loss through February 23, 2015 \$ \_\_\_\_\_  
16 b. Past Non-Economic Loss \$ \_\_\_\_\_  
17 Total: \$ \_\_\_\_\_  
18

19 If Rickey Moland has not proved any actual damages, stop here, answer no  
20 further questions, and have the presiding juror sign and date this form. If you  
21 awarded actual damages, answer question 16.

22  
23 **Finding of Malice, Fraud, or Oppression**

24 16. Has Rickey Moland proved by clear and convincing evidence that  
25 McWane, Inc. acted with malice, fraud, or oppression in the conduct upon which  
26 you base your finding of liability of any of the above causes of action?

27  Yes  No  
28

1 If your answer to question 16 is yes, then answer question 17. If not, stop  
2 here, answer no further questions, and have the presiding juror sign and date this  
3 form.

4  
5 17. Was the conduct constituting malice, oppression, or fraud committed  
6 by, authorized by, or adopted or approved by one or more officers, directors, or  
7 managing agents of McWane, Inc. acting on behalf of McWane, Inc.?

8  Yes  No

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10  
11 Signed: /s/ Anita Meadows Dated: June 29, 2017

12 Presiding Juror

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**SPECIAL VERDICT: PUNITIVE DAMAGES**

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

1. What amount of punitive damages, if any, do you award Rickey Moland?

\$ 13,800,000

Signed: /s/ Anita Meadows

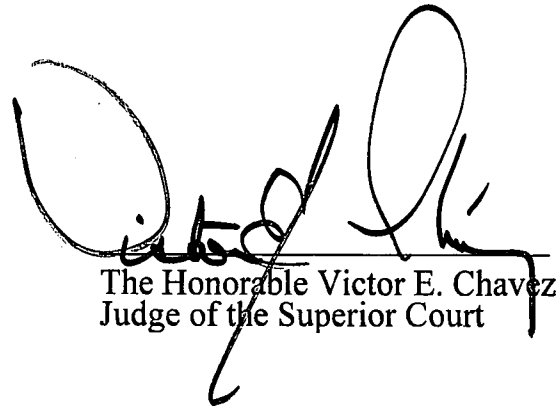
Dated: June 29, 2017

Presiding Juror

It appearing by reason of said special verdicts that Rickey Moland is entitled to judgment against McWane, Inc., damages in the sum of \$16,673,514, together with costs and interest thereon at the rate of ten percent per annum, to be determined by the Court.

IT IS SO ORDERED.

Dated: 8/25/17

  
The Honorable Victor E. Chavez  
Judge of the Superior Court

08/28/2017



1 **PROOF OF SERVICE**

2 **CASE NAME:** *Moland v. McWane, Inc., et al.*  
3 **CASE NO:** *BC 559796*

4 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

5 I am over the age of 18 and not a party to the within action; my business address is 15260  
6 Ventura Boulevard, Suite 1740, Sherman Oaks, CA 91403.

7 On August 3, 2017, I served on the interested parties in this action, in the manner set out below,  
8 the foregoing document described as follows:

9 **[PROPOSED] JUDGMENT ON SPECIAL VERDICT**

10  **BY MAIL:** By mailing a copy to each of the persons named below in a separate envelope  
11 bearing first-class postage prepaid, addressed to that person at the address set out below beside that  
12 person's name. I made that mailing in Sherman Oaks, California.

13  **BY CERTIFIED U.S. MAIL & RETURN RECEIPT REQUESTED MAIL:** By mailing a  
14 copy to each of the persons named below in a separate envelope bearing first-class postage prepaid,  
15 addressed to that person at the address set out below beside that person's name. I made that mailing in  
16 Sherman Oaks, California.

17  **BY HAND DELIVERY:** By causing a copy to be hand-delivered by messenger to each of the  
18 persons named below on that date in an envelope addressed to that person at the address set out below  
19 beside that person's name.

20  **BY FAX:** By faxing it to each of the persons for whom a fax number is given below.

21  **BY EXPRESS SERVICE CARRIER:** By causing a copy to be delivered overnight by an  
22 express service carrier to each of the persons at the addresses set forth below.

23  **BY ELECTRONIC SERVICE (EMAIL):** I caused said document(s) to be transmitted  
24 electronically to attorney noted at the electronic notification address noted. The transmission of the  
25 document was reported as complete and without error.

26 **PLEASE SEE ATTACHED MAILING LIST**

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

29   
30 \_\_\_\_\_  
31 ARACELLY BATTE

**SERVICE LIST**  
*Moland v. McWane, Inc., et al.*  
*Case No.: BC 559796*

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*Plaintiff's Co-Counsel*

THE  
MIRROKNIAN  
LAW FIRM, PC

08/28/2017