

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 10/22/10

DEPT. 89

HONORABLE WILLIAM A. MacLAUGHLIN JUDGE

D. BROSTOFF

DEPUTY CLERK

HONORABLE JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

HONORABLE D. VALENCIA, CT ASST Deputy Sheriff

S. PRICE

Reporter

8:30 am

BC327882

Plaintiff

Counsel

SCOTT P. KOEPKE ✓

DANIEL E CARLOCK JR

VS

Defendant

Counsel

TY C. FLETCHER ✓

LADD PROVISIONS INC

STEPHEN L. HEWITT ✓

170.6 JUDGE BRUGUERA (vacated 7-

MATTHEW W. MONROE ✓

170.6 JUDGE FIELDS (-

BRAD SNYDER ✓

NATURE OF PROCEEDINGS:

JURY TRIAL.

The trial, continued from October 21, 2010, resumes with the Court, counsel, parties and all jurors present as heretofore.

At 9:07 a.m., the jury returns to the jury room and resumes deliberations.

At 10:30 a.m., the jury takes a break and resumes deliberating at 10:40 a.m.

At 12:00 p.m., the jury breaks for lunch and resumes deliberating at 1:30 p.m.

At 2:20 p.m., the jury enters the courtroom with the following verdict:

(TITLE OF COURT AND CAUSE)

SPECIAL VERDICT

We answer the questions submitted to us as follows:

Question 1: Were any of the following defendants negligent?

Zacarias Reyes Araneta	<u> X </u>	Yes	<u> </u>	No
Ray Leslie Arntz	<u> X </u>	Yes	<u> </u>	No
Andy C. Huber	<u> X </u>	Yes	<u> </u>	No

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MATTHEW W. MONROE ✓

BRAD SNYDER ✓

NATURE OF PROCEEDINGS:

Sun Diver Charters, LLC X Yes No

If you answered "no" as to each defendant, please have the Presiding Juror sign and date this verdict form and return it to the courtroom attendant. If you answered "yes" as to any defendant, answer Question 2.

Question 2: For each defendant that received a "yes" answer in question 1, please insert the name of the defendant and answer this question: Was the defendant's negligence a substantial factor in causing harm to Daniel E. Carlock, Jr.?

Zacarias Reyes Araneta	<u> X </u>	Yes	<u> </u>	No
Ray Leslie Arntz	<u> X </u>	Yes	<u> </u>	No
Andy C. Huber	<u> X </u>	Yes	<u> </u>	No
Sun Diver Charters, LLC	<u> X </u>	Yes	<u> </u>	No

If you answered "no" as to each identified defendant, please have the Presiding Juror sign and date this verdict form and return it to the courtroom attendant. If you answered "yes" as to any defendant, answer Question 3.

Question No. 3: What are Daniel E. Carlock, Jr.'s total damages? Do not reduce the damages based on the fault, if any, of Daniel E. Carlock, Jr. or others.

- (a) Past economic loss \$15,000
- (b) Past non-economic loss, including

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MATTHEW W. MONROE ✓

BRAD SNYDER ✓

NATURE OF PROCEEDINGS:

physical pain/mental suffering ___\$985,000

(c) Future non-economic loss, including
physical pain/mental suffering ___\$1,000,000

TOTAL ___\$2,000,000

If Daniel E. Carlock, Jr. has proved any damages, answer Question 4. If Daniel E. Carlock, Jr. has not proved any damages, please have the Presiding Juror sign and date this verdict form and return it to the courtroom attendant.

Question 4: Was Daniel E. Carlock, Jr. negligent?

X Yes ___ No

If your answer to Question 4 is "yes", answer Question 5. If you answered "no", insert the number zero next to Daniel E. Carlock, Jr.'s name in Question 6 and answer Question 6.

Question 5: Was Daniel E. Carlock, Jr.'s negligence a substantial factor in causing his harm?

X Yes ___ No

If your answer to Question 5 is "yes", answer Question 6. If you answered "no", insert the number zero next to Daniel E. Carlock, Jr.'s name in

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Reporter

8:30 am	BC327882	Plaintiff	
		Counsel	SCOTT P. KOEPKE ✓
	DANIEL E CARLOCK JR	Defendant	
	VS	Counsel	TY C. FLETCHER ✓
	LADD PROVISIONS INC		STEPHEN L. HEWITT ✓
	170.6 JUDGE BRUGUERA (vacated 7-		MATTHEW W. MONROE ✓
	170.6 JUDGE FIELDS (-		BRAD SNYDER ✓

NATURE OF PROCEEDINGS:

Question 6 and answer Question 6.

Question 6: What percentage of responsibility for Daniel E. Carlock, Jr.'s harm do you assign to the following? Insert a percentage for only those who received "yes" answers in Questions 2 or 5:

Zacarias Reyes Araneta	31	%
Ray Leslie Arntz	21	%
Daniel E. Carlock, Jr.	16	%
Andy C. Huber	16	%
Sun Diver Charters	16	%
TOTAL	100	%

If you inserted a number next to the % for Andy C. Huber in Question 6, please answer Question 7. If not, please have the Presiding Juror sign and date this verdict form and return it to the courtroom attendant.

Question 7: Was defendant Andy C. Huber an agent or employee of defendant Ladd Provisions, Inc., dba Ocean Adventures Dive Co.?

Yes No

If you answered Question 7 "yes", answer Question 8. If you answered "no", have the Presiding Juror sign and date this verdict form and return it to the courtroom attendant.

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	DANIEL E CARLOCK JR	Defendant	
	VS	Counsel	TY C. FLETCHER ✓
	LADD PROVISIONS INC		STEPHEN L. HEWITT ✓
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NATURE OF PROCEEDINGS:

Question 8: Was defendant Andy C. Huber acting within the scope of his agency or employment with Ladd Provisions, Inc., dba Ocean Adventures Dive Co. when he harmed Daniel E. Carlock, Jr.?
 Yes No

Signed: Joshua A. Que
 Presiding Juror

Dated: 10/22/10

After it has been signed, deliver this verdict form to the courtroom attendant.

The jury is polled.

As to Question 1, all twelve jurors answer in the affirmative to Zacarias Reyes Araneta, Ray Leslie Arntz and Sun Diver Charters, LLC, and eleven jurors answer "yes" to Andy C. Huber, and juror Howard A. Stapleton answers "no."

As to Question 2: All twelve jurors answer in the affirmative to Zacarias Reyes Araneta and Ray Leslie Arntz; nine jurors answer "yes" to Andy C. Huber, and jurors Alan A. Peck, Marjorie Sowell and Howard A. Stapleton answer "no;" eleven jurors answer "yes" to Sun Diver Charters, LLC, and juror Francis M. Sturms, Jr. answers "no."

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BRAD SNYDER ✓

NATURE OF PROCEEDINGS:

All twelve jurors answer in the affirmative to Questions 3(a), and 3(b) and, eleven jurors answer "yes" to Question 3(c) and juror Francis M. Sturms, Jr. answers "no."

All twelve jurors answer in the affirmative to Question 4.

Eleven jurors answer "yes" to Question 5, and juror Howard A. Stapleton answers "no."

As to Question 6: All twelve jurors answer in the affirmative to Zacarias Reyes Araneta, Ray Leslie Arntz, Andy C. Huber and Sun Diver Charters; ten jurors answer "yes" to Daniel E. Carlock, Jr., and jurors Gayane Ghazaryan and Marjorie Sowell answer "no."

All twelve jurors answer in the affirmative to Questions 7 and 8.

The Special Verdict, Instructions Given, Instructions Refused and Instructions Withdrawn are ordered filed this date and placed in the case file.

Counsel for plaintiff is ordered to prepare the Judgment and submit it to the Court for approval and signature after serving a copy on counsel for defendants.

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Counsel MATTHEW W. MONROE ✓

170.6 JUDGE FIELDS (-

Counsel BRAD SNYDER ✓

NATURE OF PROCEEDINGS:

The Court sets the matter for a STATUS CONFERENCE RE SUBMISSION OF THE JUDGMENT on October 29, 2010, at 8:30 a.m. in Department 89.

Notice is waived.

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