SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 89

BC630158 December 14, 2021
ANDREW RUDNICKI VS FARMERS INSURANCE EXCHANGE ET AL 9:00 AM

Judge: Honorable Ruth Ann Kwan
CSR: Keri Logan CSR# 12608 (a.m.) and Lauren Tilbury CSR# 11806 (p.m.)
Judicial Assistant: S. Barrera
ERM: None
Courtroom Assistant: None
Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): Anthony Nguyen and Leonard Livshits and Mahru Madjidi; Carney R. Shegerian Griselda Rodriguez

For Defendant(s): Lynne C. Hermle and Geoffrey Moss and Anjali Vadillo; Joseph C. Liburt

NATURE OF PROCEEDINGS: Jury Trial

The cause is continued from December 13, 2021 with all counsel, parties and jurors present as heretofore.

Plaintiff makes rebuttal closing.

The Judicial Assistant is sworn to take charge of the jury.

At 10:10 a.m. the jury begin deliberations.

At 12:05 p.m. the jurors break for lunch.

At 1:45 p.m. the jury resume deliberations.

At 2:13 p.m. the jurors buzz with Question number 1.

At 2:24 p.m. the jurors are returned to the courtroom and Question number 1 is answered by the court, on the record.

At 2:29 p.m. the jurors resume deliberations.

At 3:54 p.m. the jury buzz with a verdict.

At 4:05 p.m. the jury are returned into the courtroom and the following verdict is read:

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

ANDREW RUDNICKI,

Plaintiff,

vs.

FARMERS INSURANCE EXCHANGE, and FARMERS GROUP, INC.,

Defendants. Case No.: BC 630158

The Honorable Ruth Ann Kwan

SPECIAL VERDICT

Dept.: 89

SPECIAL VERDICT

We, the jury in the above action, find the following Special Verdict on the questions submitted to us:
Preliminary Questions:
Question No. 1: Was Farmers Insurance Exchange and/or Farmers Group, Inc. an employer of Andrew Rudnicki?
A. Farmers Insurance Exchange: Yes __X___ No _____
B. Farmers Group, Inc.: Yes __X___ No _____
If you answer "Yes" as to any of the above questions, go to Question No. 2. If you answer "No" as to all the above questions, skip the remaining questions and have the foreperson date and sign this Special Verdict form at the end of the last page.

Age Discrimination Causes of Action (CACI 2500VF)

Question No. 2: Did Defendant(s) discharge Andrew Rudnicki?
Yes __X___ No _____
If your answer to Question No. 2 is "Yes," answer Question No. 3. If your answer is "No," skip the remaining questions and have the foreperson date and sign this Special Verdict form at the end of the last page.
Question No. 3: Was Andrew Rudnicki's age a substantial motivating reason for Defendant(s)' decision to discharge Andrew Rudnicki?
Yes _____ No ___X__
If your answer to Question No. 3 is "Yes," answer Question No. 4. If your answer is "No," go to Question No. 7.

Disability Discrimination Cause of Action (CACI 2508VF)
Question No. 7: Did Defendant(s) know that Andrew Rudnicki had a history of, or an actual or perceived physiological condition that affects his cardiovascular system and limited a major life activity such as working?
Yes _____ No __X___
If your answer to Question No. 7 is "Yes," answer Question No. 8. If your answer is "No," go to Question No. 13.

Retaliation Cause of Action (CACI 2504VF)
Question No. 13: Was Andrew Rudnicki a witness or a potential witness in the Coates v. Farmers lawsuit?
Yes __X___ No _____
If your answer to Question No. 13 is "Yes," answer Question No. 14. If your answer is "No," go to Question No. 18.
Question No. 14: Was Andrew Rudnicki's role as a witness or a potential witness in the Coates v. Farmers lawsuit a substantial motivating reason for Defendant(s)' decision to discharge Andrew Rudnicki?
Yes __X___ No _____
If your answer to Question No. 14 is "Yes," answer Question No. 15. If your answer is "No," go to Question No. 18.
Question No. 15: Was Defendant(s)' stated reason of Andrew Rudnicki's unprofessional behavior and failure to meet Defendant(s)' expectations for a leader of its branch legal offices also a substantial motivating reason for Defendant(s)' decision to discharge Andrew Rudnicki?

Yes _____ No __X___
If your answer to Question No. 15 is "Yes," answer Question No. 16. If your answer is "No," go to Question No. 17.

Wrongful Termination of Employment in Violation of Public Policy Cause of Action (CACI 2406VF)
Question No. 18: If you answered "Yes" as to any of Question Nos. 6, 12, or 17, answer this question. Otherwise, skip the remaining questions and have the foreperson date and sign this Special Verdict form at the end of the last page.
Was Andrew Rudnicki's role as a witness or potential witness in the Coates v. Farmers lawsuit, his age, and/or his history of, actual, or perceived physiological condition that affects his cardiovascular system and limited a major life activity such as working, a substantial motivating reason for Defendant(s)' decision to discharge Andrew Rudnicki?
Yes __X___ No _____
If your answer to Question No. 18 is "Yes," answer Question No. 19. If your answer is "No," go to Question No. 22.
Question No. 19: Was Defendant(s)' stated reason of Andrew Rudnicki's unprofessional behavior and failure to meet Defendant(s)' expectations for a leader of its branch legal offices also a substantial motivating reason for Defendant(s)' decision to discharge Andrew Rudnicki?
Yes _____ No __X___
If your answer to Question No. 19 is "Yes," answer Question No. 20. If your answer is "No," go to Question No. 21.

Question No. 21: Did the discharge cause Andrew Rudnicki harm?
Yes __X___ No _____
Go to Question No. 22.

Compensatory Damages Question
Question No. 22: If you answered "Yes" to Question Nos. 6, 12, 17, or 21, state the total amount of damages to be awarded to Andrew Rudnicki. Otherwise, skip the remaining questions and have the foreperson date and sign this Special Verdict form at the end of the last page. (Note: If you decide that Andrew Rudnicki prevails on more than one of the above causes of action, count that damage only once. Do not award duplicative damages.)
Past economic loss: $__3,413,344.00_____

Future economic loss: $__1,000,000.00_____
Non-economic loss: $__1,000,000.00_____
TOTAL: $__5,413,344.00_____
Go to Question No. 23.

Concluding Question
Question No. 23: Did an officer, director, or managing agent of Farmers Insurance Exchange and/or Farmers Group, Inc., acting on behalf of Farmers Insurance Exchange and/or Farmers Group, Inc., engage in the conduct with malice, oppression, and/or fraud? (Note: Only answer to each respective Defendant if you previously found the Defendant to be an employer in Question No. 1.)
A. Farmers Insurance Exchange: Yes __X___ No _____
B. Farmers Group, Inc.: Yes __X___ No _____
You have now completed this verdict form. Please have the foreperson date and sign below.

Dated: 12/14/2021 Foreperson: /S/

The jury is polled.

Question 1A: 12 jurors answer in the affirmative.
Question 1B: 12 jurors answer in the affirmative.
Question 2: 12 jurors answer in the affirmative.
Question 3: 12 jurors answer in the affirmative.
Question 7: 12 jurors answer in the affirmative.
Question 13: 12 jurors answer in the affirmative.
Question 14: 10 jurors answer in the affirmative and 2 jurors Paul Munz and Spencer Smith answer in the negative.
Question 15: 10 jurors answer in the affirmative and 2 jurors Paul Munz and Spencer Smith answer in the negative.
Question 17: 12 jurors answer in the affirmative.
Question 18: 10 jurors answer in the affirmative and 2 jurors Paul Munz and Spencer Smith answer in the negative.
Question 19: 9 jurors answer in the affirmative and 3 jurors Paul Munz, Rickie Ector and Spencer Smith answer in the negative.
Question 21: 12 jurors answer in the affirmative.

BC630158 December 14, 2021
ANDREW RUDNICKI VS FARMERS INSURANCE EXCHANGE ET AL 9:00 AM

Judge: Honorable Ruth Ann Kwan
CSR: Keri Logan CSR# 12608 (a.m.) and Lauren Tilbury CSR# 11806 (p.m.)
Judicial Assistant: S. Barrera
ERM: None
Courtroom Assistant: None
Deputy Sheriff: None

Question 22: 10 jurors answer in the affirmative and 2 jurors Paul Munz and Spencer Smith answer in the negative.
Question 23A: 12 jurors answer in the affirmative.
Question 23B: 12 jurors answer in the affirmative.

The jury is admonished.

The Special Verdict, Jury Instructions Given and Refused are filed this date.

, the Jury Trial scheduled for 12/14/2021 is continued to 12/16/2021 at 09:00 AM in Department 89 at Stanley Mosk Courthouse.