

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES
3

4 DEPARTMENT 41 HON. STEPHEN M. MOLONEY, JUDGE
5 F.M. A MINOR,)
6 PLAINTIFF,)
7 VS.) NO. BC510993
8 COUNTY OF LOS ANGELES,)
9 DEFENDANT(S) .)
10 _____

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13 REPORTER'S TRANSCRIPT OF PROCEEDINGS

14 JULY 25, 2018
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16 APPEARANCES:
17

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22 FOR THE DEFENDANT: COLLINS COLLINS MUIR + STEWART,
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TAMMIE HALL, CSR NO. 11525
OFFICIAL REPORTER PRO TEMPORE

1 I WILL GIVE YOU AFTER THE ATTORNEYS HAVE PRESENTED
2 THEIR CLOSING ARGUMENT. THE WAY IT PROCEEDS AT THIS
3 POINT IS MR. RING WILL MAKE HIS OPENING ARGUMENT, AND
4 THEN WE WILL TAKE A BREAK. AFTER THE BREAK,
5 MR. GUTERRES WILL MAKE HIS CLOSING ARGUMENT, AND THEN
6 WE MAY OR MAY NOT TAKE A BREAK, AND THEN MR. RING WILL
7 HAVE A REBUTTAL OPPORTUNITY, AND I'LL READ ONE LAST
8 INSTRUCTION TO YOU AND YOU WILL BEGIN YOUR
9 DELIBERATIONS.

10 MR. RING, THANK YOU.

11 MR. RING: THANK YOU, YOUR HONOR. GOOD MORNING.
12 THIS IS A VERY IMPORTANT CASE. TWO WEEKS AGO I STOOD
13 HERE IN FRONT OF YOU, AND I TOLD YOU WHAT THIS CASE WAS
14 ABOUT, AND I TOLD YOU THIS WAS A CASE ABOUT THE
15 DESTRUCTION OF A GIRL'S LIFE. AND YOU HAVE HEARD THAT
16 EVIDENCE NOW. YOU HAVE HEARD HOW BRUTAL THAT SEXUAL
17 ABUSE OF FELICIA WAS.

18 THE DEFENDANT IN THIS CASE, THE COUNTY OF
19 LOS ANGELES, OR THE DEPARTMENT OF CHILD AND FAMILY
20 SERVICES, THEY COULD HAVE PREVENTED THIS FROM
21 HAPPENING. THEY SHOULD HAVE PREVENTED THIS FROM
22 HAPPENING. THEY BREACHED THEIR MANDATORY DUTY TO
23 REPORT SUSPECTED CHILD ABUSE. THEY HAD AN OBLIGATION
24 UNDER THE LAW TO REPORT IT, AND THEY DID NOT DO SO.

25 SO YOUR JOB IS TO HOLD THE COUNTY
26 RESPONSIBLE, TO HOLD THEM LIABLE, AND YOUR JOB IS TO
27 FULLY COMPENSATE FELICIA FOR THE HORRIFIC HARM THAT SHE
28 ENDURED AND THE HARM SHE'S GOING TO ENDURE FOR A LONG

1 TIME.

2 NOW, BEFORE I GET INTO MORE SPECIFICS ON
3 THIS CASE, I WANT TO STEP BACK FOR A MOMENT, AND I JUST
4 WANT TO GO OVER A FEW GENERAL THINGS, AND THEN WE'LL
5 TALK IN MORE DETAIL ABOUT THE CASE, BUT THE FIRST THING
6 I WANT TO DO IS I WANT TO THANK YOU. I WANT TO THANK
7 YOU.

8 AND MS. OSTOVAR AND MS. MASRY, THEY WANT
9 TO THANK YOU FOR YOUR TIME FOR BEING JURORS ON THIS
10 CASE, AND MR. MARQUEZ ASKED ME TO THANK YOU AS WELL,
11 AND I KNOW FELICIA APPRECIATES YOU BEING HERE.

12 YOU KNOW, BEING ON A JURY -- YOU ARE GOING
13 TO RENDER A VERDICT. YOU ARE GOING TO RENDER YOUR
14 DECISION AND THEN YOU GET TO GO BACK TO YOUR LIVES,
15 YOUR JOBS, YOUR FAMILIES, ALL THAT. BUT FELICIA,
16 FELICIA LIVES WITH THAT SEXUAL ABUSE FOR THE REST OF
17 HER LIFE, AND YOUR VERDICT WILL IMPACT HER FOR THE REST
18 OF HER LIFE.

19 YOU KNOW, OUR JURY SYSTEM IS CRITICAL.
20 IT'S CRITICAL TO DELIVERING JUSTICE, AND YOU HAVE
21 PLAYED A VITAL ROLE IN IT. YOU HAVE BEEN HERE FOR TWO
22 OR THREE WEEKS NOW. YOU HAVE SHOWED UP. YOU HAVE DONE
23 YOUR JOB. YOU HAVE DONE WHAT THE SYSTEM ASKED YOU TO
24 DO. BUT YOU HAVE ONE LAST JOB TO DO. THAT IS GO INTO
25 THAT JURY ROOM AND DELIBERATE AND REACH A FAIR VERDICT.

26 YOU HAVE A LOT OF POWER AS A JURY. JURIES
27 HAVE LOTS OF POWER. WHEN YOU VOTE, THERE IS TWELVE OF
28 YOU THAT ARE GOING TO GO BACK THERE. EACH ONE OF YOU

1 HAS ONE VOTE OUT OF TWELVE. WHEN YOU VOTE IN AN
2 ELECTION, YOU ARE ONE OF MILLIONS, OR A LOCAL ELECTION,
3 YOU ARE ONE OF THOUSANDS OR TENS OF THOUSANDS, BUT BACK
4 THERE IN THAT ROOM, YOU ARE GOING TO BE ONE OF TWELVE.
5 SO MAKE YOUR VOICE HEARD. EACH ONE OF YOU HAS POWER
6 BACK THERE. DON'T BE SHY. VOICE YOUR OPINION.

7 YOU KNOW, JURIES ARE THE CONSCIENCE OF THE
8 COMMUNITY. THEY ARE THE VOICE OF THE COMMUNITY. SO
9 LET YOUR VOICE BE HEARD.

10 SO HOW DO YOU GO ABOUT THIS TASK? YOU GOT
11 A LOT OF INSTRUCTIONS FROM HIS HONOR. IT'S A LOT TO
12 DIGEST, BUT I'M GOING TO TRY TO DISTILL IT FOR YOU HERE
13 IN MAYBE 45 MINUTES JUST SO YOU KNOW THE TIME FRAME.
14 45 MINUTES.

15 FIRST YOU ARE GOING TO SELECT A
16 FOREPERSON. THAT'S IMPORTANT. SELECT SOMEONE THAT IS
17 GOING TO LEAD THE GROUP. OKAY. THAT'S IMPORTANT.
18 THAT'S THE FIRST THING YOU DO. TAKE YOUR TIME. YOU
19 HAVE BEEN HERE THREE WEEKS. YOU HAVE HEARD A LOT OF
20 TESTIMONY. LET EVERYONE BACK THERE HAVE A CHANCE TO
21 TALK. TAKE YOUR TIME ON THIS. THERE IS NO RUSH.

22 YOU ARE GOING TO BE GIVEN THESE JURY
23 INSTRUCTIONS. THAT'S THE LAW. YOU HAVE TO FOLLOW THE
24 LAW. BUT YOU ARE THE DECIDERS OF THE FACTS OF THIS
25 CASE. YOU DECIDE WHAT HAPPENED.

26 SO HOW DO YOU RENDER YOUR VERDICT? YOU
27 RENDER YOUR VERDICT USING THIS SPECIAL VERDICT FORM
28 THAT HIS HONOR JUST TALKED ABOUT. I HAVE AN

1 ENLARGEMENT OF IT, BUT EACH ONE OF YOU ARE GOING TO
2 HAVE THIS. THIS IS THE VERDICT. THIS IS HOW YOU
3 ACHIEVE A VERDICT. YOU CAN SEE THERE IS GOING TO BE
4 QUESTIONS ON EACH PAGE. ALL RIGHT.

5 WE'RE GOING TO GO THROUGH THESE WHILE I'M
6 UP HERE. AND THEN YOU GET TO DAMAGES, AND THE VERY
7 LAST QUESTION IS YOU DIVIDE UP FAULT, AND WE'LL TALK
8 ABOUT THAT. BUT THIS IS YOUR VERDICT, AND WHEN YOU GET
9 THROUGH IT ALL, YOU SIGN IT, AND THEN YOU COME INTO
10 COURT, AND IT'S READ.

11 ONE LAST THING I WANT TO TALK ABOUT BEFORE
12 YOU GET INTO THE CASE, AND THAT IS HIS HONOR TALKED
13 ABOUT A JURY INSTRUCTION CALLED THE BURDEN OF PROOF.
14 THAT'S REALLY IMPORTANT, AND I JUST WANT TO GO OVER IT
15 ONE LAST TIME. YOU HEARD ABOUT IT WHEN WE FIRST
16 STARTED TALKING IN JURY SELECTION.

17 THE BURDEN OF PROOF IN THIS CASE IS MORE
18 LIKELY TRUE THAN NOT TRUE. IT'S NOT THE HIGHER
19 CRIMINAL STANDARD, BEYOND A REASONABLE DOUBT. IT'S NOT
20 THAT STANDARD. IT IS SIMPLY A TILTING OF THE SCALES.
21 SO IF THE PLAINTIFF'S EVIDENCE TILTED THE SCALES IN THE
22 PLAINTIFF'S FAVOR, WE'VE MET OUR BURDEN OF PROOF ON
23 EVERY ONE OF THOSE QUESTIONS. THAT IS THE STANDARD FOR
24 EVERY ONE OF THOSE QUESTIONS, THE TILTING OF THE
25 SCALES.

26 SOME PEOPLE SAY 51 PERCENT AND 49 PERCENT.
27 MORE LIKELY TRUE THAN NOT TRUE. THAT'S WHAT GUIDES YOU
28 BACK THERE. BUT I'LL TELL YOU THIS: THE EVIDENCE IN

1 THIS CASE IT'S OVERWHELMING THAT THE COUNTY IS LIABLE.
2 OVERWHELMING. AND IT'S OVERWHELMING WHAT THIS YOUNG
3 GIRL'S DAMAGES AND HARM IS. IT'S OVERWHELMING. IT'S
4 NOT EVEN CLOSE.

5 ALL RIGHT. ONE LAST THING. SO THE
6 FOREPERSON. I TALKED ABOUT THAT. YOU ARE GOING TO
7 PICK SOMEONE. THAT'S A REALLY IMPORTANT ROLE. WHY?
8 BECAUSE THE FOREPERSON'S JOB IS TO GUIDE YOU THROUGH
9 THESE QUESTIONS, AND IF THE JURY IS GOING OFF ON A
10 TANGENT OR TALKING ABOUT THINGS THEY ARE NOT SUPPOSED
11 TO BE TALKING ABOUT, THE FOREPERSON IS THE PERSON THAT
12 BRINGS THEM BACK.

13 HIS HONOR READ AN INSTRUCTION THAT SAYS
14 YOU CAN'T TALK ABOUT INSURANCE. IF SOMEONE IS TALKING
15 ABOUT INSURANCE, THEN THE FOREPERSON SAYS "WE'RE NOT
16 TALKING ABOUT THAT. LET'S GO BACK TO FOCUS ON THE
17 TASKS AT HAND." YOU DECIDE THE CASE ON THE EVIDENCE
18 YOU HEARD IN THIS COURTROOM, AND THERE IS ONE THING
19 THAT YOU ARE ALLOWED TO BRING BACK THERE. THAT'S YOUR
20 COMMON SENSE. DON'T LEAVE THAT AT THE DOOR. THAT'S
21 WHAT HELPS YOU DECIDE THIS CASE.

22 LET'S TALK ABOUT THE CASE. YOU KNOW, THE
23 DEPARTMENT OF CHILDREN AND FAMILY SERVICES, THE
24 COUNTY OF L.A. INTERCHANGEABLE; RIGHT? D.C.F.S., THEY
25 ARE THE LAST LINE OF DEFENSE FOR DEFENSELESS CHILDREN.
26 LET ME SAY THAT AGAIN. THEY ARE THE LAST LINE OF
27 DEFENSE FOR DEFENSELESS CHILDREN LIKE FELICIA.

28 AND YOU HEARD THE TESTIMONY FROM THOSE

1 COUNTY WITNESSES. THEY SAID -- I SAID "WHAT IS THE
2 NUMBER ONE PRIORITY?" IT'S PROTECTING KIDS. THAT IS
3 THEIR NO. 1 PRIORITY IS TO PROTECT CHILDREN WHEN THE
4 PARENT WON'T. AND IT'S A CRITICAL ROLE BECAUSE THERE
5 ARE SOME VERY VULNERABLE CHILDREN WHO ARE NOT PROTECTED
6 BY THEIR PARENTS, FOR WHATEVER REASON, BECAUSE THE
7 PARENT DOESN'T CARE, BECAUSE THE PARENT IS A CRIMINAL
8 LIKE YOU SAW HERE, A VARIETY OF REASONS. AND THAT'S
9 WHY THE DEPARTMENT'S JOB IS SO IMPORTANT.

10 SO THE FIRST QUESTION THAT WE'RE GOING TO
11 DEAL WITH ON THIS VERDICT FORM IS QUESTION NO. 1.
12 "SHOULD DEFENDANT COUNTY OF LOS ANGELES HAVE HAD A
13 REASONABLE SUSPICION THAT THE PLAINTIFF, FELICIA M. WAS
14 BEING SEXUALLY ABUSED IN 2010?" THAT'S THE FIRST
15 QUESTION.

16 LET'S TALK ABOUT THAT. YOU KNOW, HIS
17 HONOR READ A JURY INSTRUCTION, AND IT'S A VERY
18 IMPORTANT INSTRUCTION ON REASONABLE SUSPICION. I'VE
19 ENLARGED IT.

20 "REASONABLE SUSPICION MEANS THAT
21 IT IS OBJECTIVELY REASONABLE FOR
22 A PERSON TO ENTERTAIN THE
23 SUSPICION BASED UPON FACTS THAT
24 COULD CAUSE A REASONABLE PERSON
25 IN A LIKE POSITION DRAWING, WHEN
26 APPROPRIATE, ON HIS OR HER
27 TRAINING AND EXPERIENCE TO
28 SUSPECT CHILD ABUSE OR NEGLECT."

1 THIS NEXT PART IS IMPORTANT.
2 "REASONABLE SUSPICION DOES NOT
3 REQUIRE CERTAINTY THAT CHILD
4 ABUSE OR NEGLECT HAS OCCURRED,
5 NOR DOES IT REQUIRE A SPECIFIC
6 MEDICAL INDICATION OF CHILD
7 ABUSE OR NEGLECT. ANY
8 REASONABLE SUSPICION IS
9 SUFFICIENT."

10 ANY REASONABLE SUSPICION IS SUFFICIENT.
11 AND IF YOU HAVE A REASONABLE SUSPICION, AND YOU ARE A
12 MANDATED REPORTER, YOU BETTER REPORT IT BECAUSE THAT'S
13 THE LAW.

14 OKAY. AND WE KNOW THAT MS. SEVERO AND
15 MS. SO HAD REASONABLE SUSPICIONS. THEY DON'T WANT TO
16 ADMIT IT IN THIS COURTROOM BECAUSE IF THEY DO, CASE
17 OVER. BUT YOU LOOK AT THE FACTS. THEY ABSOLUTELY HAD
18 REASONABLE SUSPICION, AND THAT'S NOT EVEN THE STANDARD
19 BECAUSE IT DOESN'T MATTER WHAT THEY SAY. IT'S THE
20 REASONABLE PERSON. IT'S OBJECTIVE. IT'S SOMEONE WITH
21 LIKE TRAINING AND EXPERIENCE.

22 I MEAN, YOU HAVE HEARD ALL THESE FACTS.
23 REASONABLE SUSPICION. YOU CAN READ ALL THOSE. FLUET
24 HAS A CRIMINAL BACKGROUND FOR SEXUAL BATTERY OF A
25 CHILD, AND HE'S SHARING A BEDROOM WITH FELICIA. OKAY.
26 COMMON SENSE. REASONABLE SUSPICION THAT HE IS
27 MOLESTING THAT GIRL. THEY HAD REASONABLE SUSPICION FOR
28 ALL OF THOSE FACTS THAT ARE UP ON THAT BOARD.

1 AND YOU KNOW THEY HAD REASONABLE
2 SUSPICION, BUT AGAIN, IT'S AN OBJECTIVE STANDARD. THE
3 REASONABLE PERSON, THE REASONABLE CHILD PROTECTIVE
4 WORKER WOULD SAY, "ABSOLUTELY I SUSPECT CHILD ABUSE,"
5 AND THEY DID. WHY WERE THEY SO ALARMED WHEN THEY FOUND
6 OUT THAT FLUET HAD A CRIMINAL RECORD FOR MOLESTING
7 KIDS? BECAUSE THEY IMMEDIATELY SAID, OH, MY GOD, HE'S
8 SHARING A BEDROOM WITH A SEVEN-YEAR-OLD GIRL HE'S NOT
9 EVEN RELATED TO, AND THE MOM IS GONE AT NIGHT WORKING
10 THE GRAVEYARD SHIFT."

11 THAT'S WHY THEY SAID TO NELLA TRAN --
12 THAT'S WHY THEY SAID FLUET HAS TO LEAVE IMMEDIATELY.
13 AND THAT'S WHY THEY SAID "HE CANNOT BE ALONE WITH YOUR
14 GIRLS EVER," BECAUSE THEY HAD A REASONABLE SUSPICION OF
15 CHILD ABUSE, LIKE ANYONE WOULD.

16 AND YOU HEARD FROM OUR EXPERT, THE
17 LIABILITY EXPERT, MR. BONGIOVANNI, WHO TOLD YOU, TOLD
18 YOU THE LAW, LAID IT OUT, THE STANDARD. AND HE SAID,
19 OF COURSE ANY CHILD PROTECTIVE WORKER WOULD HAVE A
20 REASONABLE SUSPICION WITH THOSE FACTS, AND THEY HAVE TO
21 REPORT.

22 SO QUESTION NO. 1 ON THE VERDICT
23 FORM -- SHOULD THEY HAVE HAD A REASONABLE SUSPICION?
24 YES. ABSOLUTELY.

25 ALL RIGHT. I WANT TO SHOW YOU SOMETHING
26 ELSE. I WANT TO SHOW YOU A TIMELINE. I'M NOT GOING TO
27 GO THROUGH IT ALL. YOU CAN SEE IT, BUT IT'S A TIMELINE
28 FROM 2010. MISSED OPPORTUNITIES BY THE COUNTY SOCIAL

1 WORKERS. BUT HERE IS THE CRITICAL TIME, AUGUST OF
2 2010, WHEN LUCIA SO IS INVOLVED WITH ELBIS SEVERO AND
3 THEY FIND OUT FLUET IS IN THE HOUSE. HOW DID
4 MS. SEVERO NOT KNOW THAT FLUET WAS LIVING IN THE HOUSE
5 BEFORE THEN? BUT THEY FIND OUT HE'S LIVING IN THE
6 HOUSE, AND THEY GIVE HIM -- HE'S GOT TO MOVE OUT AND
7 CANNOT BE ALONE WITH THE KIDS.

8 FOLKS, THAT'S REASONABLE SUSPICION RIGHT
9 THERE. AND IT GOES ON ALL THE WAY TO WHEN THEY CLOSE
10 THE CASE IN NOVEMBER. ALL RIGHT. THEY HAD REASONABLE
11 SUSPICION THE ENTIRE TIME AND NEVER REPORTED IT.

12 DO YOU REMEMBER WHEN MS. SEVERO WAS ON THE
13 STAND AND I WAS ASKING HER -- REMEMBER SHE SAID, "I HAD
14 NELLA TRAN SIGN THE AFFIDAVIT"?

15 AND THEN I ASKED HER, AND I SAID, "BUT YOU
16 FOUND OUT THAT SHE IGNORED YOUR WARNINGS?" FLUET WAS
17 STILL IN THE HOUSE. HE WAS STILL TAKING FELICIA TO
18 SCHOOL. HE WAS ALONE WITH FELICIA. HE NEVER LEFT, AND
19 SEVERO AND SO LEARNED THAT.

20 AND I SAID TO MS. SEVERO, "WHAT DID YOU DO
21 WHEN YOU FOUND OUT HE'S STILL THERE?"

22 WHAT DID SHE DO? REMEMBER HER ANSWER?
23 NOTHING. SHE DID NOTHING. SHE DID NOT REPORT IT. SHE
24 DID NOTHING. SHE WALKED AWAY FROM THAT SITUATION AND
25 FROM THAT LITTLE GIRL. DID NOT REPORT IT TO THE
26 HOTLINE, DID NOT REPORT IT TO LAW ENFORCEMENT AS
27 REQUIRED UNDER THE LAW.

28 SO QUESTION 2 ON THE VERDICT FORM, DID THE

1 DEFENDANT COUNTY OF LOS ANGELES VIOLATE ITS MANDATORY
2 DUTY TO REPORT SUSPECTED CHILD ABUSE OF FELICIA M. IN
3 2010? YES, THEY DID. CLEAR-CUT. NOT EVEN AN ISSUE.
4 NOT EVEN CLOSE.

5 THERE IS NO -- THEY DIDN'T REPORT IT.
6 THERE IS NO EVIDENCE THAT THEY REPORTED IT. THEY
7 DIDN'T. IT'S UNDISPUTED. THEY DIDN'T REPORT IT. THEY
8 TOOK MATTERS INTO THEIR OWN HANDS AND DECIDED WE'RE
9 JUST GOING TO DEAL WITH THIS OURSELVES. NEVER REPORTED
10 IT TO LAW ENFORCEMENT OR THE HOTLINE, WHICH WOULD HAVE
11 GENERATED A NEW INVESTIGATION.

12 THERE IS A REASON WHY WE HAVE MANDATORY
13 REPORTING LAWS. WHY DO WE HAVE MANDATORY REPORTING
14 LAWS WHERE WE SAY CERTAIN PROFESSIONALS WHO COME IN
15 CONTACT WITH KIDS HAVE TO REPORT SUSPECTED CHILD ABUSE
16 WHETHER IT'S PHYSICAL OR SEXUAL? WHY DO WE HAVE THOSE
17 LAWS? IT'S BECAUSE WE KNOW THAT THERE ARE WINDOWS OF
18 OPPORTUNITY FOR PEOPLE WHO ARE MANDATED REPORTERS TO
19 GET ENOUGH INFORMATION TO SUSPECT ABUSE, AND THAT
20 WINDOW OF OPPORTUNITY IS WHAT SAVES THE KID.

21 KIDS DON'T GO AROUND GOING UP TO ADULTS
22 SAYING "I'M BEING SEXUALLY ABUSED." KIDS DON'T GO
23 AROUND UP TO ADULTS SAYING "MY DAD IS BEATING ME AT
24 HOME." THAT'S WHY WE ONLY REQUIRE A SUSPICION.
25 BECAUSE IF YOU HAVE A SUSPICION BASED UPON YOUR
26 TRAINING AND EXPERIENCE, THAT'S WHAT GETS THE
27 INVESTIGATION GOING.

28 THAT'S WHY THOSE LAWS ARE SO IMPORTANT.

1 THAT'S WHY YOU ONLY NEED TO KNOW THERE IS A MR. FLUET
2 WHO'S GOT A PRIOR CRIMINAL RECORD FOR TOUCHING KIDS WHO
3 IS SHARING A BED WITH A SEVEN-YEAR-OLD GIRL. THAT IS
4 ENOUGH TO GO "WE NEED TO INVESTIGATE. WE NEED TO
5 REPORT."

6 AND YOU KNOW WHAT WAS REALLY GOING ON
7 HERE? YOU KNOW WHAT WAS REALLY GOING ON HERE WAS
8 MS. SEVERO DID NOT LIKE DANNIS MARQUEZ. SHE DIDN'T
9 LIKE HIM. HE WAS -- AND SHE LIKED NELLA TRAN. SHE
10 LIKED NELLA TRAN. DID NOT LIKE DANNIS MARQUEZ.
11 DANNIS MARQUEZ, THE DAD, MADE HER LIFE DIFFICULT
12 BECAUSE HE ASKED A LOT OF QUESTIONS. HE MADE A LOT OF
13 DEMANDS. HE MADE HER PUT IN SOME EXTRA WORK, AND SHE
14 DIDN'T LIKE IT. AND SHE FAVORED THE MOM, NELLA TRAN.

15 AND DO YOU REMEMBER THE E-MAIL SHE WROTE?
16 SHE WROTE IT IN -- RIGHT AROUND THIS TIME FRAME,
17 SEPTEMBER, OCTOBER, AFTER SHE HAD BEEN ON THIS CASE
18 SINCE -- SHE HAD BEEN ON THE CASE SINCE APRIL, AND SHE
19 WAS TIRED OF THE CASE. AND SHE WRITES THE E-MAIL TO
20 HER SUPERVISOR THAT SAYS -- REMEMBER WE READ IT. SHE
21 SAYS, "I HAVE MORE PRESSING CONCERNS RIGHT NOW. THIS
22 FILE IS TAKING UP A LOT OF MY TIME." AND THAT WAS HER
23 MINDSET.

24 SHE JUST WANTED THE FILE CLOSED. SHE WAS
25 TIRED OF MR. MARQUEZ. AND SO SHE TOOK MATTERS INTO HER
26 OWN HANDS. "FELICIA IS NOT BEING MOLESTED." I ASKED
27 HER QUESTIONS ABOUT IT, AND THEN SHE CLOSES OUT THE
28 CASE IN NOVEMBER.

1 AND MS. SO, WHO IS ALSO INVESTIGATING AT
2 THE SAME TIME FOR THE TODDLER BEING OUTSIDE. BUT ISN'T
3 IT INTERESTING THAT IF YOU REMEMBER MS. SO AND
4 MR. CHEUNG, THE SUPERVISOR -- DO YOU REMEMBER MS. SO'S
5 PAPERWORK, HER RECOMMENDATION? HER RECOMMENDATION WAS
6 PROMOTE THIS TO A CASE. THIS NEEDS TO BE INVESTIGATED.
7 HIGH RISK TO THE KIDS. SHE MAKES THAT RECOMMENDATION
8 HERE, AND YET BOTH CASES GET CLOSED IN A MATTER OF DAYS
9 OF EACH OTHER, AND THEY WALK AWAY FROM THAT HOUSEHOLD.

10 DO YOU KNOW WHY IT'S SO IMPORTANT FOR
11 MANDATORY REPORTERS TO REPORT SUSPECTED CHILD ABUSE?
12 BECAUSE IT LEADS TO INVESTIGATIONS, AND IT LEADS TO
13 FORENSIC INTERVIEWS. YOU HEARD FROM DEBORAH DAVIES,
14 THE FORENSIC INTERVIEWER. THAT LADY KNOWS HOW TO
15 INTERVIEW KIDS. SHE KNOWS HOW TO DRAW OUT INFORMATION
16 FROM KIDS.

17 YOU HEARD REPORTING LEADS TO FORENSIC
18 MEDICAL EXAMS. YOU HEARD FROM THE FORENSIC NURSE,
19 NURSE WHEELER. SHE KNOWS HOW TO CONDUCT A MEDICAL EXAM
20 TO FIND PHYSICAL SIGNS OF SEXUAL ABUSE. NONE OF THAT
21 WAS DONE BECAUSE IT WASN'T REPORTED WHEN IT SHOULD HAVE
22 BEEN IN 2010.

23 AND THE OTHER THING I WANT TO TALK ABOUT
24 BEFORE WE MOVE ON TO DAMAGES IS THIS PART RIGHT HERE IN
25 OCTOBER. WHEN MS. SEVERO HAS TO FILE THAT REPORT WITH
26 THE COURT, WHERE SHE HAS TO MAKE THE RECOMMENDATION
27 THAT THE COURT RELIES ON AND THAT REPORT IS GOING TO BE
28 AN EXHIBIT. THAT REPORT OMITTS INCREDIBLY IMPORTANT

1 INFORMATION.

2 MS. SEVERO DOESN'T PUT ANYTHING IN THERE
3 ABOUT LOUIS FLUET, ANYTHING IN THERE ABOUT HIM BEING IN
4 THE BEDROOM WITH THE GIRL, ABOUT HIM HAVING A CRIMINAL
5 CHARGE AGAINST HIM, ABOUT THE AFFIDAVIT THE MOM HAD TO
6 SIGN SUPPOSEDLY MAKING HIM LEAVE, ABOUT FLUET NEVER
7 LEAVING. SHE LEAVES ALL OF THAT OUT.

8 WHY DOES SHE LEAVE ALL OF THAT OUT OF A
9 REALLY IMPORTANT REPORT TO THE COURT, TO THE JUDGE?
10 BECAUSE SHE KNEW IF SHE PUT IT IN THERE, THE CASE WOULD
11 REMAIN OPEN, AND SHE WANTED THAT CASE CLOSED, SO SHE
12 LEFT IT OUT INTENTIONALLY. SHOCKING. SO THE BOTTOM
13 LINE, THOSE CHILD PROTECTIVE WORKERS, THEY VIOLATED
14 THEIR MANDATORY DUTY TO REPORT.

15 NOW, THE THIRD QUESTION, QUESTION 3, WAS
16 DEFENDANT COUNTY OF LOS ANGELES'S BREACH OF ITS
17 MANDATORY DUTY TO REPORT SUSPECTED CHILD ABUSE A
18 SUBSTANTIAL FACTOR IN CAUSING HARM TO FELICIA? OKAY.
19 THIS IS A QUESTION THAT HAS TO BE IN THERE. THAT'S
20 REQUIRED. THAT'S A NO-BRAINER. THAT'S EASY. OF
21 COURSE THERE WAS SUBSTANTIAL FACTOR.

22 MR. FLUET, THE PERPETRATOR, IF YOU
23 REMEMBER, HE MOVES INTO THAT HOUSE AROUND MAY OR JUNE
24 OF 2010. AND HE IS SHARING THE BEDROOM RELATIVELY SOON
25 AFTER HE MOVES IN, AND YOU HEARD FELICIA SAY IT WAS
26 WITHIN A MATTER OF WEEKS THAT HE WAS TOUCHING HER IN
27 THAT BEDROOM. AND SO CERTAINLY BY THE TIME THE SOCIAL
28 WORKERS, SEVERO AND SO, COME ONTO THE SCENE IN AUGUST,

1 SHE'S BEING TOUCHED BY HIM, BUT ONLY FOR A SHORT PERIOD
2 OF TIME. HE'S ONLY BEEN THERE FOR MAYBE A MONTH OR SO.
3 OKAY.

4 AND SO THEY WALK AWAY FROM THAT. HE STAYS
5 THERE AND HE NOW -- AND HE NEVER LEAVES, AND HE
6 CONTINUES TO MOLEST THAT GIRL FOR BASICALLY THE NEXT 24
7 MONTHS. HIM AND OTHERS.

8 BUT WHEN THE TIME THE SOCIAL WORKERS HAD
9 THAT GOLDEN OPPORTUNITY TO END IT -- IT HAD BEEN MAYBE
10 GOING ON FOR A MONTH -- AND, BECAUSE THEY DIDN'T END
11 IT, IT WENT ON FOR ANOTHER 24 MONTHS. THAT IS A
12 SUBSTANTIAL FACTOR. THEY PLAYED A SUBSTANTIAL FACTOR
13 IN CAUSING HARM TO THAT GIRL.

14 AND THAT QUESTION SHOULD BE VERY
15 STRAIGHTFORWARD TO ANSWER. THAT'S A QUESTION. THEY
16 ANSWER THOSE FIRST THREE QUESTIONS YES TO GET TO
17 DAMAGES. 1, 2, AND 3 HAVE TO BE YESES.

18 THERE IS A JURY INSTRUCTION, BEFORE I MOVE
19 ON, ON SUBSTANTIAL FACTOR, AND IT SIMPLY SAYS "WHAT IS
20 A SUBSTANTIAL FACTOR?" DON'T OVERTHINK IT. THE JURY
21 INSTRUCTIONS SIMPLY SAYS IT CAN'T BE TRIVIAL OR REMOTE.
22 IT CAN'T BE TRIVIAL OR REMOTE. WELL, OF COURSE THE
23 SOCIAL WORKERS' INVOLVEMENT IN THIS CASE WAS FAR MORE
24 THAN TRIVIAL OR REMOTE. IT WAS A MAJOR FACTOR IN WHAT
25 HAPPENED TO FELICIA.

26 SO LET'S TALK ABOUT DAMAGES. SO IF YOU
27 ANSWER QUESTIONS 1, 2, AND 3 "YES," YOU COME TO
28 QUESTION 4, WHAT ARE FELICIA'S DAMAGES? AND, REMEMBER,

1 THERE IS TWO TYPES, ECONOMIC AND NON-ECONOMIC. OKAY.

2 SO LET'S TALK ABOUT THE ECONOMIC DAMAGES
3 FIRST. ECONOMIC MEANING FUTURE THERAPY, AND OF COURSE,
4 THE NON-ECONOMIC, WHICH WE'RE GOING TO SPEND MORE TIME
5 ON, THE EMOTIONAL SUFFERING OF FELICIA, BOTH IN THE
6 PAST AND IN THE FUTURE.

7 SO ECONOMIC DAMAGES -- AND BY THE WAY, THE
8 LAW FOR ALL OF THIS, THE LAW REQUIRES FULL COMPENSATION
9 IF THE EVIDENCE IS THERE, AND IT IS. IT REQUIRES FULL
10 COMPENSATION FOR ALL THE HARM DONE TO THIS GIRL. OKAY.

11 SO WHAT DOES THAT MEAN? THAT MEANS EVERY
12 ACT OF SEXUAL ABUSE DONE TO THIS GIRL REQUIRES
13 COMPENSATION. EVERY PSYCHOLOGICAL SYMPTOM AND HARM
14 THAT SHE HAS SUFFERED FROM AND WILL SUFFER FROM
15 REQUIRES COMPENSATION. THAT'S FULL COMPENSATION THAT
16 SHE DESERVES. THAT MEANS EVERY ACT THAT FLUET;
17 MARTINSON; THE LEBSCH BROTHERS; AND HER MOM,
18 NELLA TRAN, DID TO HER REQUIRES FULL COMPENSATION.
19 THAT'S THE ANALYSIS. THAT'S ALMOST TWO FULL YEARS OF
20 BRUTAL SEXUAL ABUSE.

21 SO LET'S TALK ABOUT THE ECONOMIC DAMAGES
22 FIRST. YOU HEARD FROM THE TWO EXPERTS, DR. READING AND
23 DR. WELTY. AND THEY -- I'M NOT GOING TO GO THROUGH IT
24 ALL. YOU REMEMBER THEY HAD THEIR OPINIONS ON ALL THE
25 FUTURE NEEDS THAT THEY THOUGHT SHE NEEDED, AND
26 I -- WITH DR. WELTY, WE WENT THROUGH IT ALL, AND ADDED
27 IT ALL UP, AND IT CAME TO \$188,000. OKAY.

28 AND I WENT THROUGH AND ADDED UP ALL OF

1 DR. READING'S. THAT CAME TO ABOUT \$400,000. ALL
2 RIGHT. BECAUSE DR. READING WAS MORE GENEROUS WITH
3 FUTURE THERAPY DOWN THE ROAD LATER ON IN LIFE. HE SAID
4 SHE'S GOING TO NEED MORE THAN WHAT WELTY IS SAYING.
5 REMEMBER WELTY WAS GIVING HER, LIKE, MAYBE ONE SESSION
6 A YEAR AT SOME POINT.

7 BUT THAT'S UP TO YOU TO DECIDE. YOU HAVE
8 DISCRETION ON THOSE NUMBERS. ONE IS AT ABOUT 200. ONE
9 IS AT ABOUT 400. YOU MIGHT THINK IT'S IN THE MIDDLE.
10 PERSONALLY I THINK SHE DESERVES EVERY PENNY OF WHAT
11 DR. READING SAYS. BUT THE NUMBER IS PLACED IN ON THE
12 VERDICT, \$400,000. IT'S REASONABLE. YOU HEARD FROM
13 BOTH EXPERTS. YOU HEARD WHAT SHE'S GOING TO NEED DOWN
14 THE ROAD IN TERMS OF THERAPY.

15 NOW, THIS IS IMPORTANT, TOO. I WANT TO
16 TALK ABOUT THE FUTURE THERAPY. YOU KNOW THE FUTURE
17 THERAPY THAT SHE'S GOING TO GET AND THAT SHE NEEDS DOES
18 NOT SUDDENLY MAKE HER BETTER, DOES NOT MAKE HER
19 "EVERYTHING IS FINE NOW." WHAT THERAPY DOES FOR
20 SOMEONE LIKE FELICIA IS IT PUTS HER IN A SPOT WHERE SHE
21 CAN FUNCTION, WHERE SHE CAN GET THROUGH LIFE. OKAY.
22 IT PUTS HER -- IT KEEPS HER MOVING FORWARD. THAT
23 DOESN'T MEAN SHE'S NOT GOING TO SUFFER ANY EMOTIONAL
24 SUFFERING OR HARM AS SHE GETS OLDER.

25 BUT THE THERAPIST IS IMPORTANT BECAUSE IT
26 LET'S HER FUNCTION. IT'S LIKE A BAND-AID ON A DEEP
27 WOUND. YOU'VE GOT TO HAVE THE BAND-AID THERE. IT
28 DOESN'T MAKE THE WOUND GO AWAY. AND SEXUAL ABUSE IT

1 LEAVES A DEEP, DEEP WOUND FOREVER, AND THE THERAPY IS A
2 BAND-AID FOR THAT. IT'S DEFINITELY NEEDED. IT DOESN'T
3 GET RID OF THE ENTIRE PROBLEM.

4 ALL RIGHT. LET'S TALK ABOUT THE NEXT TWO
5 CATEGORIES. NON-ECONOMIC DAMAGES, EMOTIONAL SUFFERING.
6 OKAY. SO LET ME GIVE YOU SOME EXAMPLES BECAUSE I WANT
7 TO PUT THIS IN CONTEXT. YOU KNOW, OUR SYSTEM OF
8 JUSTICE, OUR CIVIL SYSTEM OF JUSTICE IS BASED UPON
9 MONEY DAMAGES FOR HARM DONE. MONEY DAMAGES FOR HARM
10 DONE. THAT'S OUR SYSTEM. THAT'S BEEN OUR SYSTEM SINCE
11 THE FOUNDING FATHERS. MONEY DAMAGES FOR HARM DONE.

12 IT'S A DIFFICULT CONCEPT. A LOT OF PEOPLE
13 COME TO COURT AND THEY HAVE SOME CONCERNS ABOUT IT.
14 THEY ARE SKEPTICAL ABOUT IT. IT'S A DIFFICULT CONCEPT
15 TO WRAP YOUR HEAD AROUND. MONEY DAMAGES FOR EMOTIONAL
16 SUFFERING, FOR EMOTIONAL HARM. I'M GOING TO HELP YOU
17 WITH IT.

18 YOU HAVE TO LOOK AT OUR SOCIETY, AND,
19 LOOK, OUR SOCIETY PLACES VALUE ON CERTAIN THINGS IN
20 ORDER TO PUT THE HARM TO THIS GIRL IN CONTEXT. SO I'M
21 GOING TO GIVE YOU SOME EXAMPLES. OKAY.

22 FOR EXAMPLE, THE MOST EXPENSIVE MILITARY
23 PLANE THAT THIS COUNTRY MAKES IT'S CALLED A GLOBE
24 MASTER. IT'S A HUGE PLANE THAT TRANSPORTS TROOPS AND
25 DROPS THEM OFF, CAN CARRY 200 TROOPS. COSTS \$350
26 MILLION TO BUILD THAT PLANE, 350 MILLION, ONE PLANE.

27 AND LET ME THROW OUT A SCENARIO FOR YOU.
28 LET'S ASSUME THAT THEY TEST THAT PLANE FOR THE FIRST

1 TIME. ALL RIGHT. THAT \$350 MILLION PLANE, THEY ARE
2 TESTING IT FOR THE FIRST TIME. THEY HAVE A TEST PILOT
3 IN THERE AND SOMETHING HORRIBLE GOES WRONG, ENGINE
4 PROBLEMS. WHAT IS THE MOST NUMBER ONE CONCERN THAT THE
5 MILITARY OR ANYONE ELSE WOULD HAVE IN THAT SITUATION?
6 IT'S SAVING THE PILOT'S LIFE. THEY DON'T CARE ABOUT
7 THE \$350 MILLION PLANE. IT'S SAVING THE PILOT'S LIFE
8 BECAUSE WE PLACE, SOCIETY, VALUE ON LIFE, ON HUMANS,
9 FAR MORE THAN ANY PLANE.

10 ANOTHER EXAMPLE. YOU KNOW, THE MOST
11 EXPENSIVE PIECE OF ART THAT HAS EVER BEEN SOLD WAS A
12 DAVINCI PAINTING, \$450 MILLION FOR A PIECE OF ART.
13 \$450 MILLION. AND SO ASSUME THIS SCENARIO. LET'S
14 ASSUME THAT IT'S BEING MOVED FROM ONE MUSEUM TO
15 ANOTHER, AND THE MUSEUM WHO IS GETTING IT,
16 THEY -- WHOEVER IS DELIVERING IT, THEY RUIN THE
17 PAINTING. HOWEVER THEY DO IT, THEY RUIN IT SOMEHOW.
18 \$450 MILLION PAINTING.

19 IF THERE IS A LAWSUIT OVER THAT AND THE
20 JURY HAS GOT TO DECIDE, WELL, HOW MUCH DOES THE PERSON
21 WHO OWNS THE PAINTING GET. IT'S FAIRLY EASY. PEOPLE
22 COME IN. THEY TESTIFY, AND THEY GO, THAT PAINTING WAS
23 WORTH \$450 MILLION, AND HERE IS WHY, AND THERE IS NOT A
24 LOT OF DISPUTE ABOUT THAT.

25 AND THE JURY IS LIKE, HEY, IT'S WORTH
26 \$450 MILLION. IT'S WHAT ALL THE EXPERTS SAY, AND THEY
27 HAVE NO PROBLEM AWARDED THAT KIND OF MONEY BECAUSE
28 THAT'S -- THERE IS SOME SORT OF APPRAISAL FOR THAT.

1 BUT THERE IS NOT AN APPRAISAL FOR A GIRL WHO HAS BEEN
2 SEXUALLY ABUSED AND WHO IS GOING TO LIVE WITH IT FOR
3 HER WHOLE LIFE.

4 COUPLE OTHER EXAMPLES. I'M JUST PUTTING
5 THINGS IN CONTEXT HERE. IN 2018 THERE ARE C.E.O.'S,
6 CHIEF EXECUTIVES, OF TECH COMPANIES THAT HAVE MADE
7 \$100 MILLION IN ONE YEAR FOR THEIR SERVICES, AND WE ALL
8 KNOW THAT THERE IS ATHLETES THAT MAKE 35-, \$40 MILLION
9 IN SALARY ALONE FOR ONE YEAR. ENTERTAINERS. THOSE ARE
10 EXTREME EXAMPLES. BUT THERE IS HOUSES. THERE IS A
11 HOUSE IN BEL AIR THAT IS LISTED FOR \$180 MILLION.

12 NOW, THOSE ARE EXTREME EXAMPLES, BUT, YOU
13 KNOW WHAT, THIS IS AN EXTREME CASE. THIS IS AN EXTREME
14 CASE WHERE A GIRL HAS BEEN HORRIFICALLY HARMED.
15 HORRIFICALLY HARMED. I'M GOING TO ASK YOU. I AM GOING
16 TO ASK YOU TO AWARD MANY MILLIONS OF DOLLARS TO THIS
17 GIRL FOR THE HARM SHE HAS SUFFERED.

18 NOW, I WANT TO DO ONE THING. I WANT TO
19 GIVE A BIT OF REALITY TO WHAT FELICIA WENT THROUGH.
20 AND BEAR WITH ME. BECAUSE, YOU KNOW, IN A COURTROOM,
21 IT'S STERILE. WE TALK IN COURTROOM LANGUAGE. YOU
22 HEARD "SEXUAL ABUSE." YOU HEARD "MOLESTATION." YOU
23 HEARD TERMS LIKE THAT, "INAPPROPRIATE TOUCHING." YOU
24 HEAR THESE TERMS LIKE THAT.

25 BUT I WANT TO FOCUS ON WHAT THIS GIRL WENT
26 THROUGH, AND I'M PICKING OUT A WEEK, A WEEK IN 2011 OR
27 2012, AND YOU HEARD THE TESTIMONY. YOU HEARD IT FROM
28 MARTINSON AND THESE GUYS, FROM THE DETECTIVE. A WEEK

1 IN THE LIFE OF FELICIA.

2 SO MONDAY SHE'S HOME IN HER BEDROOM AND
3 SHE HEARS FLUET COMING UP THE STAIRS TOWARDS HER
4 BEDROOM, AND SHE KNOWS WHAT IS COMING NEXT. AND SHE
5 KNOWS FLUET, WHEN HE WALKS IN THAT ROOM, AND HE WALKS
6 IN AND SHE'S THERE ALONE WITH HIM, SHE KNOWS WHAT IS
7 GOING TO HAPPEN BECAUSE IT'S BEEN HAPPENING FOR A LONG
8 TIME.

9 AND HE WALKS IN THAT ROOM, AND HE SAYS,
10 "LET'S GO FELICIA. GET ON THE BED AND TAKE OFF YOUR
11 CLOTHES," AND HE HAS SEX WITH HER AGAINST HER WILL.
12 NINE-YEAR-OLD GIRL. YOU SAW HER ON THAT VIDEO. YOU
13 SAW HER. YOU SAW HOW INNOCENT THAT LITTLE GIRL WAS.
14 YOU SAW HOW INNOCENT SHE WAS. THAT'S MONDAY.

15 THEN ON TUESDAY SHE'S HOME AND TIM
16 MARTINSON IS THERE HIGH ON DRUGS, MR. MARTINSON. SHE'S
17 DOWN IN THE GARAGE, AND YOU HEARD WHAT GOES ON DOWN IN
18 THAT GARAGE, AND MR. MARTINSON SAYS, "FELICIA, GET DOWN
19 HERE." AND SHE SAID, "I ALWAYS HAVE TO GO DOWN TO THE
20 GARAGE WHEN THEY CALL." SHE GOES DOWN TO THAT GARAGE,
21 AND MR. MARTINSON SAYS, "GET OVER HERE, FELICIA. YOU
22 PUT THIS IN YOUR MOUTH RIGHT NOW BECAUSE I KNOW YOU
23 LIKE IT." THAT'S TUESDAY.

24 WEDNESDAY, WELL, THE BABYSITTER IS THERE.
25 ONE OF THE LEBSCH BROTHERS, THE BABYSITTER. EVERYONE
26 IS GONE, BUT THE BABYSITTER IS THERE LEBSCH. "FELICIA,
27 TAKE OFF YOUR PANTIES RIGHT NOW BECAUSE I'M GOING TO
28 TOUCH YOU, AND YOU KNOW YOU ARE GOING TO LET ME DO IT."

1 AND HE DOES. THAT'S WEDNESDAY.

2 THURSDAY, NELLA TRAN IS HOME WITH HER
3 DAUGHTER. AND FELICIA GOES UP TO HER MOM AND SAYS,
4 "MOM, I DON'T WANT TO GO IN THE ROOM WITH THOSE GUYS.
5 I DON'T WANT TO DO IT." AND NELLA TRAN SAYS TO HER
6 "YOU GO IN THAT ROOM, AND YOU DO WHAT THEY SAY, AND I
7 DON'T WANT TO HEAR ABOUT IT." AND WHY? BECAUSE SHE'S
8 GETTING DRUGS AND MONEY FROM THEM. AND THAT POOR GIRL
9 HAS TO GO IN THAT ROOM, AND SHE'S GOT NO ONE TO TURN
10 TO. THAT'S THURSDAY.

11 FRIDAY, THEY ARE ALL THERE. AND MS. TRAN,
12 HER MOM, SAYS "GUESS WHAT, WE'RE ALL GOING TO GO IN THE
13 ROOM TONIGHT, AND I'M GOING TO THINGS TO YOU, MY OWN
14 DAUGHTER, AND I'M GOING TO DO THINGS TO YOU, AND YOU
15 ARE GOING TO GO ALONG WITH IT, AND THEN THOSE GUYS ARE
16 GOING TO DO THOSE THINGS TO YOU, AND THEY ARE GOING TO
17 WATCH, AND THEY ARE GOING TO TAKE PHOTOS OF IT." THIS
18 GIRL HAS TO DO THAT. AND SHE HAS NO OTHER WAY. SHE
19 HAS NO ONE TO TURN TO. THAT'S FRIDAY.

20 GUESS WHAT? SHE DOESN'T GET WEEKENDS OFF.
21 AND THAT WAS THE PATTERN IN THAT HOME FOR MONTHS AND
22 MONTHS AND MONTHS. BRUTAL. IT COULD HAVE BEEN
23 PREVENTED BACK IN 2010 IF THEY HAD DONE THEIR JOB UNDER
24 THE LAW TO REPORT ABUSE. NEVER WOULD HAVE OCCURRED.

25 SO WHEN WE TALK ABOUT FELICIA'S HARM,
26 THAT'S THE HARM WE'RE TALKING ABOUT. HER PAST HARM,
27 I'M NOT GOING TO GO INTO THE LIST. PERVASIVE, SEVERE
28 SEXUAL ABUSE; PTSD, POSTTRAUMATIC STRESS DISORDER;

1 DEPRESSION; ANXIETY; EMOTIONAL TURMOIL; CONFUSION;
2 GUILT; CUTTING.

3 REMEMBER SHE'S CUTTING HERSELF BECAUSE
4 THAT FEELS BETTER THAN THINKING ABOUT ALL OF HER
5 THOUGHTS. SHE WOULD RATHER FEEL PAIN ON HERSELF.

6 TRUST ISSUES. AND THEN THE LAST TWO ARE
7 AFTER ALL THIS COMES TO LIGHT WHERE SHE URINATES ON
8 HERSELF AND SHE GOES NO. 2 IN HER BEDROOM BECAUSE SHE'S
9 GOT SUCH AN ANXIETY DISORDER. THOSE ARE HORRIFIC,
10 HORRIFIC SYMPTOMS. IT'S ALL FROM THE SEXUAL ABUSE.

11 AND THEN YOU TALK ABOUT HER FUTURE HARM.
12 YOU HEARD FROM THE EXPERT, DR. READING. EVEN THEIR OWN
13 EXPERT AGREES IT'S GOING TO AFFECT HER FOR THE REST OF
14 HER LIFE. SHE'S 15 YEARS OLD. SERIOUS EMOTIONAL
15 DISTURBANCES FOR THE REST OF HER LIFE.

16 SELF-ESTEEM, HYPERVIGILANCE, BLUNTED
17 PERSONALITY, DIFFICULTY WITH HER PEERS, DIFFICULTY WITH
18 RELATIONSHIPS AS AN ADULT, DIFFICULTY TRUSTING PEOPLE,
19 AND PTSD, DEPRESSION AND ANXIETY. THAT'S NOT EVEN A
20 COMPLETE LIST OF WHAT THIS GIRL IS GOING TO SUFFER
21 THROUGH, BUT YOU HAVE TO COMPENSATE HER FOR ALL OF
22 THAT, PAST AND FUTURE, AND ALL OF THE ACTS, EVERY
23 SINGLE ACT THAT SHE HAD TO ENDURE.

24 SO, LOOK, I'M AN ADVOCATE. THAT'S MY JOB.
25 I'M A LAWYER. I'M HERE TO ADVOCATE ON BEHALF OF MY
26 CLIENT, FELICIA. SO THE NUMBERS I'M GOING TO SUGGEST,
27 YOU MIGHT THINK THOSE ARE WAY TOO HIGH. YOU MIGHT
28 THINK THOSE ARE WAY TOO LOW. BUT THESE ARE REASONABLE

1 NUMBERS I'M GOING TO SUGGEST.

2 I'VE WRITTEN THEM DOWN TO SAVE TIME. I'VE
3 DONE IT IN RANGES, PAST AND FUTURE RANGES, BECAUSE I
4 DID IT BASED UPON WHAT WAS GOING ON IN HER LIFE AT THE
5 TIME. SO ON THE FAR LEFT, PAST DAMAGES FOR TWO YEARS,
6 AUGUST OF 2010 TO JULY OF 2012, TWO YEARS OF ABUSE.
7 PER YEAR THOSE ARE THE FIGURES THAT ARE REASONABLE.
8 \$9.5 MILLION TO \$12.7 MILLION MULTIPLIED BY TWO YEARS.

9 AND THEN NEXT AUGUST 2012 TO NOW, THAT'S A
10 SIX-YEAR PERIOD. SIX-YEAR PERIOD. THAT'S THE
11 AFTERMATH. YOU HEARD WHAT THIS GIRL WENT THROUGH FOR
12 THE PAST SIX YEARS AFTER SHE WAS FINALLY REMOVED FROM
13 THAT HOME. \$3.2 MILLION PER YEAR TO \$4.7 PER YEAR.
14 THOSE ARE REASONABLE NUMBERS FOR HARM THAT SHE WENT
15 THROUGH EACH YEAR TIMES SIX.

16 AND THEN IN THE FUTURE, AGAIN, I BROKE IT
17 DOWN. YOU MIGHT DO IT A DIFFERENT WAY. THIS
18 IS -- THIS MAKES SENSE TO ME GIVEN HER SITUATION. AGE
19 15 TO 21. THAT'S NOW UNTIL SHE'S, YOU KNOW, 21 YEARS
20 OLD. BASICALLY AN ADULT, A YOUNG ADULT.

21 THE NEXT SIX YEARS SHE'S GOING TO BE GOING
22 TO HIGH SCHOOL AND COLLEGE, AND SHE'S GOING TO BE IN
23 THERAPY MOST OF THE TIME, AND SHE'S GOING TO HAVE TO
24 START DATING GUYS AND DEALING WITH MORE SERIOUS
25 RELATIONSHIPS AND SHE'S GOING TO HAVE TO START -- SHE'S
26 NOT GOING TO HAVE TO. SHE'S GOING TO TRY TO START
27 BEING INTIMATE WITH SOMEBODY. IT'S GOING TO BE
28 DIFFICULT FOR HER. I THINK A REASONABLE RANGE \$1.5 TO

1 \$2 MILLION A YEAR.

2 THEN THE NEXT RANGE, AGE 21 TO 35. WHY
3 THAT RANGE? BECAUSE THAT'S WHEN SHE'S AN ADULT, A
4 YOUNG ADULT, AND SHE IS PROBABLY, IN ALL LIKELIHOOD,
5 HAVING A SERIOUS RELATIONSHIP BY THEN. SHE PROBABLY
6 STARTS HAVING FAMILY BY THEN. SHE PROBABLY EVEN HAS
7 CHILDREN BY THEN. AND ALL OF THOSE THINGS -- YOU HEARD
8 FROM THE EXPERT. THEY ARE ALL GOING TO RAISE SERIOUS
9 ISSUES WITH HER. SHE'S GOING TO BE IN THERAPY BECAUSE
10 OF SERIOUS ISSUES THAT ARISE DURING THAT PERIOD OF
11 TIME.

12 AND THEN 35 TO 50. NOW, WHEN SHE'S IN HER
13 ADULT YEARS, MID LIFE, 15 YEARS. AGAIN, SHE'S GOING TO
14 BE RAISING HER KIDS. SHE'S GOING TO BE HYPERVIGILANT
15 ABOUT RAISING HER KIDS BECAUSE OF WHAT HAPPENED TO HER.
16 SHE'S GOING TO LOOK AT HER KIDS AND GO "THAT WAS ME
17 WHEN I WAS NINE. OH, MY GOD." I THINK \$400,000 TO
18 \$900,000 PER YEAR, 15 YEARS.

19 AND FINALLY AGE 50 TO HOWEVER YOU LONG YOU
20 THINK IS APPROPRIATE. THE LIFE TABLE SAYS SHE LIVES
21 UNTIL SHE'S 80, SO THAT'S 30 YEARS, BUT AGAIN, THE HARM
22 DOESN'T GO AWAY. \$150,000 TO \$200,000 PER YEAR.

23 YOU MIGHT THINK THOSE ARE TOO HIGH. YOU
24 MIGHT THINK THEY ARE TOO LOW. THAT IS YOUR JOB TO
25 DECIDE WHAT SHE DESERVES FOR PAST AND FUTURE, AND THOSE
26 ARE FAIR RANGES. YOU HAVE TO COMPENSATE HER FOR ALL
27 THE HARM DONE.

28 ALL RIGHT. WHAT DID THIS GIRL LOSE? THIS

1 GIRL LOST HER CHILDHOOD. SHE LOST HER CHILDHOOD. SHE
2 HAD NO CHILDHOOD. SHE HAD BEEN MOLESTED FROM AGE NINE.
3 THAT ENDED HER CHILDHOOD, AND HER CHILDHOOD NOW IS
4 TRYING TO JUST TO GET THROUGH LIFE TO TRY TO BECOME
5 SOMEWHAT NORMAL AGAIN. SHE LOST SAFETY, TRUST, HER
6 SELF-ESTEEM, HER FUTURE. SHE LOST HER ABILITY TO ENJOY
7 LIFE.

8 YOU HEARD DR. READING TALK ABOUT THAT
9 CONCEPT. IT'S CALLED ANHEDONIA. THE ABILITY TO
10 ACTUALLY ENJOY CERTAIN THINGS IN LIFE -- SHE LOST THAT.
11 SHE'S ALWAYS GOING TO BE CYNICAL AND SKEPTICAL AND
12 CONCERNED AND WORRIED AND ANXIOUS AND DEPRESSED.

13 IT DOESN'T MEAN SHE'S NOT GOING TO
14 FUNCTION IN LIFE. SHE IS. SHE'S A COURAGEOUS LITTLE
15 GIRL. SHE'S IN HIGH SCHOOL. SHE WANTS TO GO TO
16 COLLEGE. YOU HEARD WHAT HER ASPIRATIONS ARE. GOOD FOR
17 HER. IT'S NOT GOING TO BE AN EASY ROAD FOR HER.

18 YOU KNOW, BACK THERE WHEN YOU ARE
19 DISCUSSING THIS AWARD, THE DISCUSSION IS NOT "WELL, HOW
20 MUCH SHOULD THE COUNTY PAY?" IF YOU ARE TALKING ABOUT
21 THAT, YOU ARE NOT FOLLOWING THE LAW. OR DOES IT EVER
22 GET PAID OR WHO PAYS IT OR HOW DOES SHE COLLECT THAT.

23 IF YOU ARE TALKING ABOUT ANY OF THAT, YOU
24 ARE NOT FOLLOWING THE LAW. BECAUSE WHAT THE LAW SAYS
25 IS YOU COMPENSATE HER FOR ALL THE HARM DONE BY THESE
26 GUYS AND HER MOM. AND THEN YOU ARE GOING TO GO
27 APPORTION FAULT, WHICH WE'RE GOING TO GET TO IN THE
28 NEXT FIVE MINUTES.

1 AND BY THE WAY, ANY AMOUNT OF MONEY THAT
2 IS AWARDED, MR. MARQUEZ IS NOT A PLAINTIFF IN THIS
3 CASE. I TOLD YOU THAT. HE DOES NOT TOUCH THAT MONEY.
4 IT'S HER MONEY. IT'S MANAGED. IT'S APPROVED BY THE
5 COURT. IT'S MANAGED BY TRUSTEES, AND IT'S SPREAD OUT
6 OVER HER LIFETIME, AND IT'S ONLY USED FOR APPROPRIATE
7 PURPOSES, AND MR. MARQUEZ HAS ZERO CONTROL OVER THAT.
8 IT IS 100 PERCENT HERS, AND TRUSTEES ARE THE ONES WHO
9 MANAGE IT.

10 I'M ALMOST DONE. LAST THING WE'RE GOING
11 TO TALK ABOUT. SO THERE IS ONE LAST THING IN THIS CASE
12 THAT IS IMPORTANT. AND THAT IS RESPONSIBILITY.
13 RESPONSIBILITY. YOU HAVE TO DECIDE WHO IS RESPONSIBLE.
14 AND, BY THE WAY, YOU ARE GOING TO FILL IN THOSE TWO
15 NUMBERS AND TOTAL IT ALL UP FOR DAMAGES ON THE SPECIAL
16 VERDICT FORM.

17 AND THE LAST QUESTION ON THIS SPECIAL
18 VERDICT FORM, QUESTION 5, WHAT PERCENTAGE OF
19 RESPONSIBILITY FOR FELICIA M.'S HARM DO YOU ASSIGN TO
20 THE FOLLOWING, AND IT'S GOT TO TOTAL UP TO A HUNDRED
21 PERCENT. THIS IS WHERE YOU TALK ABOUT THE COUNTY AND
22 THEIR RESPONSIBILITY AND ALL THESE OTHER PEOPLE, AND I
23 WANT TO GIVE YOU -- AND LOOK, YOU KNOW, YOU ARE GOING
24 TO PUT PERCENTAGES FOR EACH ONE OF THESE.

25 I CAN FILL IN THESE TWO RIGHT NOW.
26 BRITNEY CONNER AND MS. WILLIS. I HAVE NO IDEA HOW THEY
27 COULD POSSIBLY BE AT FAULT FOR ANYTHING, BUT THEY ARE
28 ON THERE. THE JURY INSTRUCTION SAYS THAT THE COUNTY

1 WANTS THEM ON THERE. SO THEY ARE ON THERE. THEY DID
2 NOTHING WRONG. THEY DIDN'T KNOW ABOUT FLUET. SEVERO
3 AND SO NEVER TOLD THEM ABOUT FLUET. SO HOW WOULD THEY
4 POSSIBLY KNOW THERE WAS A GUY SLEEPING IN THE BEDROOM
5 WITH FELICIA.

6 THEY SAID IF THEY TOLD ME THAT, WE WOULD
7 HAVE LOOKED AT THINGS A LOT DIFFERENTLY, BUT THEY WERE
8 NOT TOLD. THEY HAVE NO FAULT HERE.

9 SO YOU ARE REALLY TALKING ABOUT THE
10 PERPETRATORS AND THE COUNTY. THAT'S WHO YOU ARE
11 DIVIDING FAULT UP BETWEEN. AND LET ME GIVE YOU AN
12 ANALOGY ON FAULT, ON RESPONSIBILITY, SEE IF IT HELPS.

13 YOU KNOW, A SCORPION. WHAT DOES A
14 SCORPION DO? SCORPIONS STING PEOPLE. SCORPION STINGS
15 PEOPLE. THAT'S WHAT SCORPIONS DO. YOU WALK UP AND A
16 SCORPION IS SITTING THERE, AND YOU ARE GOING TO GET
17 STUNG. THAT'S LIKE GUYS LIKE FLUET AND MARTINSON.
18 THEY ARE SCORPIONS. THEY ARE PREDATORS. THEY MOLEST
19 LITTLE GIRLS. LEBSCH. THOSE GUYS ARE SCORPIONS.

20 BUT LET'S FOCUS ON FLUET BECAUSE SOCIAL
21 WORKERS, CHILD PROTECTIVE WORKERS, KNEW THEY HAD A
22 SCORPION ON THEIR HANDS WITH FLUET BECAUSE OF HIS
23 CRIMINAL RECORD AND WHAT HE WAS DOING. THEY KNEW THEY
24 HAD A SCORPION BACK IN 2010.

25 OKAY. THEN THEY KNEW WHEN THEY WARNED
26 MS. TRAN THAT SHE HAD A SCORPION IN THE HOUSE, THEY
27 REALIZED MS. TRAN DIDN'T CARE BECAUSE MS. TRAN WAS
28 "HE'S STILL THERE. HE'S NOT LEAVING." SO THEY KNEW

1 THE MOM DIDN'T CARE IF THERE WAS A SCORPION IN THE
2 HOUSE. AND GUESS WHAT? THE SCORPION DOES WHAT
3 SCORPIONS DO. THEY STING. AND FLUET DID WHAT HE DOES.
4 HE MOLESTED FELICIA. PREDICTABLE.

5 SO WHO IS MORE AT FAULT FOR THAT? WHO IS
6 MORE AT FAULT FOR THAT? IS IT THE SCORPION, OR IS IT
7 THE COUNTY THAT COULD HAVE PREVENTED IT ALL FROM
8 HAPPENING, THAT KNEW THEY HAD THIS DANGEROUS GUY IN THE
9 HOUSEHOLD AND LEFT HIM THERE AND DIDN'T REPORT IT AS
10 THEY ARE MANDATED UNDER THE LAW TO DO. WHO IS MORE
11 RESPONSIBLE FOR THAT?

12 SO YOU'VE GOT TO DECIDE PERCENTAGES. I'M
13 NOT GOING TO GIVE YOU SPECIFIC NUMBERS, BUT, AGAIN, I
14 THINK THESE TWO NUMBERS ARE FAIR, 65 PERCENT ON THE
15 COUNTY AND 35 PERCENT ON THOSE PERPETRATORS. YOU
16 DIVIDE IT UP ANY WAY YOU WANT, BUT I THINK THAT'S FAIR
17 AND REASONABLE GIVEN THE EVIDENCE IN THIS CASE.

18 AND BY THE WAY, IF YOU THINK THE
19 COUNTY -- IF YOU THINK THE COUNTY FAULT SHOULD BE
20 REALLY SMALL, WHAT YOU ARE SAYING IS, "HEY, GEE,
21 DEPARTMENT OF CHILDREN AND FAMILY SERVICES, MS. SEVERO,
22 AND MS. SO, YOU DID A PRETTY GOOD JOB. YOU MAY KNOW
23 YOU MAY HAVE A LITTLE BIT OF FAULT IN THIS CASE. YOU
24 DID A PRETTY GOOD JOB." THAT'S WHAT YOU ARE SAYING IF
25 YOU PUT A LOW NUMBER THERE. THAT'S DEFINITELY NOT THE
26 CASE. THEY DID NOT DO THEIR JOB. THEY DID A HORRIBLE
27 JOB.

28 I DON'T THINK THAT'S THE MESSAGE YOU WANT

1 TO SEND TO THE DEPARTMENT OF CHILDREN AND FAMILY
2 SERVICES IN THIS CASE.

3 MR. GUTERRES: OBJECTION, YOUR HONOR.

4 THE COURT: ALL RIGHT. LADIES AND GENTLEMEN,
5 CLOSING ARGUMENT IS NOT EVIDENCE. IT'S THE ATTORNEY'S
6 PERCEPTION, BELIEF, ABOUT WHAT THE EVIDENCE SHOWED.

7 MR. RING: SO I GET ANOTHER CHANCE TO STAND UP
8 AFTER THEY GIVE THEIR CLOSING, BUT I WILL BE REALLY
9 SHORT THEN. MAYBE FIVE MINUTES, MAYBE TEN AT THE MOST.

10 BUT AFTER YOU HAVE DONE ALL THIS, YOU HAVE
11 COMPLETED THE VERDICT FORM. YOU FILLED IT OUT. YOU
12 HAVE TO ANSWER 1, 2, AND 3 "YES" TO GET TO DAMAGES.
13 YOU HAVE TO COMPLETE ALL OF THE DAMAGES, AND THEN
14 ANSWER THIS QUESTION 5. AND ONLY THEN HAVE YOU
15 COMPLETED THE VERDICT FORM, AND THE FOREPERSON SIGNS
16 IT, TELLS MS. GONZALEZ YOU HAVE A VERDICT, AND YOU COME
17 INTO COURT AND YOU READ IT.

18 SO THIS IS IT FOR THIS GIRL. THIS IS HER
19 ONE TRIAL FOR FELICIA. SHE'S 15 YEARS OLD. SHE DOES
20 NOT GET TO COME BACK TO COURT AT AGE 25, 35, 45, OR 55.
21 THIS IS IT. SHE GETS ONE TRIAL. AND THIS IS IT. THIS
22 VERDICT IS IT FOR HER LIFE, AND SHE'S A COURAGEOUS
23 YOUNG LADY. SHE REALLY IS. SHE WAS SCARED TO DEATH ON
24 THAT WITNESS STAND. I CAN TELL YOU THAT. SHE WAS
25 SCARED TO DEATH GOING UP THERE, BUT SHE DID IT. SHE
26 GOT UP THERE.

27 SO I ASK YOU TO RENDER A VERDICT AND
28 DELIVER JUSTICE FOR THAT GIRL. SO THANK YOU FOR YOUR

1 TIME.

2 THE COURT: MR. RING. THANK YOU.

3 LADIES AND GENTLEMEN, IT'S ABOUT 10:25 OR
4 SO. SO WE'LL BE IN RECESS UNTIL 10:40. IF YOU WOULD
5 GATHER OUTSIDE A MINUTE OR SO BEFORE THAT AND THEN
6 WE'LL HEAR FROM MR. GUTERRES AND HIS CLOSING ARGUMENT.
7 REMEMBER, YOU ARE STILL UNDER THE OBLIGATION NOT TO
8 DISCUSS ANYTHING ABOUT THE CASE.

9 THANK YOU.

10
11 (RECESS TAKEN.)

12 (CALL TO ORDER OF COURT.)
13

14 THE COURT: ALL RIGHT. ALL JURORS AND
15 ALTERNATES ARE PRESENT. WE'LL NOW HEAR MR. GUTERRES'S
16 CLOSING ARGUMENT. THANK YOU.

17 MR. GUTERRES: THANK YOU, YOUR HONOR.

18 GOOD MORNING, LADIES AND GENTLEMEN.
19 AGAIN, ON BEHALF OF THE COUNTY OF LOS ANGELES AND THE
20 DEFENSE, WE WANT TO THANK YOU FOR YOUR TIME AND
21 ATTENTION, AND WE APPRECIATE YOU KEEPING AN OPEN MIND
22 UNTIL YOU HAVE HEARD ALL OF THE EVIDENCE. WE ASKED
23 THAT YOU DO THAT AS JURORS, BE FAIR AND IMPARTIAL AND
24 LISTEN TO THE EVIDENCE, AND WE APPRECIATE THE TASK THAT
25 YOU HAVE UNDERTAKEN.

26 THE PLAINTIFF HAS THE BURDEN OF PROOF. SO
27 THIS WILL BE MY LAST TIME TO SPEAK TO YOU ON BEHALF OF
28 THE COUNTY. AND WE ASKED EACH OF YOU DURING JURY