

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

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Case Number: CGC-15-543553

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JOANNE HOEPER VS. DENNIS HERRERA ET AL

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APR X 4 2017

CLERK OF THE COURT

BY: Kevin R. Dougherty
Deputy Clerk

SUPERIOR COURT STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

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5	JOANNE HOEPER,) Case No. CGC-15-543553
6	Plaintiff,)
7	vs.) CERTIFICATE OF MAILING
8	CITY & COUNTY OF SAN FRANCISCO;) (CCP §1013a (4))
9	DOES 1-20, inclusive,)
10	Defendants.)

I, Kevin R. Dougherty, a Deputy Clerk of the Superior Court of the City and County of San Francisco, certify that I am not a party to the within action.

On April 4, 2017, I served the attached *Judgment on Jury Verdict* by placing a copy thereof in a sealed envelope, addressed as follows:

Therese Y. Cannata
 Mark P. Fickes
 Cannata, O'Toole, Fickes & Almazan, LLP
 100 Pine Street, Suite 350
 San Francisco, CA 94111

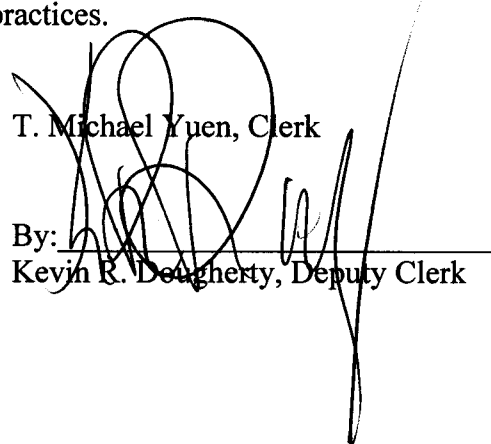
Karl Olson
 Ram, Olson, Cereching & Kopczynski, LLP
 101 Montgomery Street, Suite 1800
 San Francisco, CA 94104

John W. Kecker
 Leah M. Pransky
 Susan J. Harriman
 Jennifer A. Huber
 Kecker, Van Nest & Peters, LLP
 633 Battery Street
 San Francisco, CA 94111-1809

and placing the addressed, postage paid, sealed envelopes in the outgoing mail at 400 McAllister Street, San Francisco, CA 94102 on the date indicated above for collection, and mailing on that date following standard Court practices.

Dated: April 4, 2017

T. Michael Yuen, Clerk

By: 
 Kevin R. Dougherty, Deputy Clerk

APR X 4 2017

CLERK OF THE COURT
BY:
Deputy Clerk

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IN THE SUPERIOR COURT OF CALIFORNIA,
IN AND FOR THE COUNTY OF SAN FRANCISCO

JOANNE HOEPER,

Plaintiff,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, and DOES ONE through
TWENTY, inclusive,

Defendants.

Case No. CGC-15-543553

JUDGMENT ON JURY VERDICT

On January 30, 2017, this action was assigned for trial to the Honorable Lynn O'Malley Taylor, Department 611 of the above-entitled court. Trial commenced on February 2, 2017, Plaintiff Joanne Hoeper was represented by Therese Y. Cannata, Mark P. Fickes, and Zachary Colbeth of Cannata, O'Toole, Fickes & Almazan LLP and Karl Olson of Ram, Olson, Cereghino & Kopczynski LLP, and defendant City and County of San Francisco was represented by John W. Keeker, Susan J. Harriman, Jennifer A. Huber and Leah Pranksy of Keeker & Van Nest LLP.

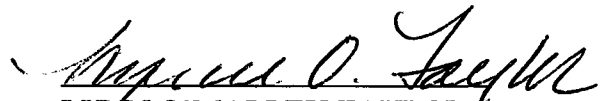
On February 23, 2017, a jury of twelve persons and four alternates were regularly impaneled and sworn. Witnesses were thereafter sworn and testified. After hearing the evidence, the jury was duly instructed by the Court, the jury heard arguments of counsel, and the cause was submitted to the jury with directions to return a verdict on special issues. The jury deliberated and thereafter returned into court with its verdict. A copy of the signed verdict form, dated

1 March 17, 2017, is attached hereto as **Exhibit A**.

2 The jury found that defendant City and County of San Francisco is liable to plaintiff
3 Joanne Hoepfer pursuant to Labor Code section 1102.5 for retaliation in violation of the
4 California Whistleblowing Act and Government Code section 12653 for retaliation in violation
5 of the False Claims Act. The jury found that the defendant caused plaintiff to suffer damages as a
6 result of defendant's wrongful conduct as follows: \$601,630 for past lost earnings, \$136,318 for
7 future lost earnings, and \$1,291,409 for emotional distress, mental anguish, and humiliation.
8 Pursuant to Government Code section 12653(b), the sum of \$601,630 for past lost earnings is
9 doubled, and therefore the judgment on the verdict is increased to a total of \$2,630,987.00.

10 NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT: (a)
11 Joanne Hoepfer shall recover from the City and County of San Francisco the sum of
12 \$2,630,987.00; and (b) the Court reserves jurisdiction over this matter to determine post-trial
13 matters, including, but not limited to, the determination of the amount of interest, if any, pursuant
14 to Code of Civil Procedure section 3287(a) and/or Government Code section 12653(b), penalties,
15 if any, pursuant to Labor Code section 1102.5(f), reasonable attorney's fees and costs incurred
16 by plaintiff, and motion(s), if any, by defendant to reduce damages.

17
18 Dated: April 4, 2017


LYNN O'MALLEY TAYLOR
JUDGE OF THE SUPERIOR COURT

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EXHIBIT A

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

FILED
San Francisco County Superior Court

MAR 17 2017

CLERK OF THE COURT

BY: Gregorio Alameda
Deputy Clerk

JOANNE HOEPER,

Plaintiffs,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, and DOES ONE through
TWENTY, inclusive,

Defendants.

Case No. CGC-15-543553

VERDICT FORM

We answer the questions submitted to us as follows:

RETALIATION IN VIOLATION OF THE CALIFORNIA WHISTLEBLOWING ACT
Labor Code section 1102.5

1. Was the City and County of San Francisco Joanne Hoeper's employer?

Answer: Yes No

If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

2. Did the City and County of San Francisco believe that Joanne Hoeper had disclosed to her superiors information about the commission of unlawful acts.

Answer: Yes No

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

3 3. Did Joanne Hoepfer have reasonable cause to believe that the information disclosed
4 a violation of state or federal law?

5 Answer: Yes No
6

7 If your answer to question 3 is yes, then answer question 4. If you answered no, then
8 answer question 8.

9 4. Did the City and County of San Francisco terminate Joanne Hoepfer's
10 employment?

11 Answer: Yes No
12

13 If your answer to question 4 is yes, then answer question 5. If you answered no, stop here,
14 answer no further questions, and have the presiding juror sign and date this form.

15 5. Was Joanne Hoepfer's disclosure of information a contributing factor in the City
16 and County of San Francisco's decision to terminate her employment?

17 Answer: Yes No
18

19 If your answer to question 5 is yes, then answer question 6. If you answered no, then
20 answer question 8.

21 6. Was the City and County of San Francisco's conduct a substantial factor in
22 causing harm to Joanne Hoepfer?

23 Answer: Yes No
24

25 If your answer to question 6 is yes, then answer question 7. If you answered no, then
26 answer question 8.

27 7. Would the City and County of San Francisco have terminated Joanne Hoepfer's
28 employment anyway at that time, for legitimate, independent reasons?

1 Answer: Yes No

2 If your answer to question 7 was either yes or no, then answer question 8.

3 **RETALIATION IN VIOLATION OF THE FALSE CLAIMS ACT**
4 **Government Code section 12653**

5 8. Did Joanne Hoeper act to stop a false claim?

6 Answer: Yes No

7 If your answer to question 8 is yes, then answer question 9. If your answer to question 8 is
8 no and your answer to question 7 is no, then answer question 12. If your answer to question 7 is
9 yes or you did not reach question 7, and your answer to question 8 is no, stop here, answer no
10 further questions, and have the presiding juror sign and date this form.

11
12 9. Were Joanne Hoeper's acts to stop a false claim a substantial motivating reason for
13 the City and County of San Francisco's decision to terminate her?

14 Answer: Yes No

15 If your answer to question 9 is yes, then answer question 10. If your answer to question 9
16 is no and your answer to question 7 is no, then answer question 12. If your answer to question 7 is
17 yes or you did not reach question 7, and your answer to question 9 is no, stop here, answer no
18 further questions, and have the presiding juror sign and date this form.

19
20 10. Was the City and County of San Francisco's termination of Ms. Hoeper a
21 substantial factor in causing her harm?

22 Answer: Yes No

23 If your answer to question 10 is yes, then answer question 11. If your answer to question
24 10 is no and your answer to question 7 is no, then answer question 12. If your answer to question
25 7 is yes or you did not reach question 7, and your answer to question 10 is no, stop here, answer
26 no further questions, and have the presiding juror sign and date this form.
27
28

1 11. Would the City and County of San Francisco have terminated Ms. Hoeper's
2 employment anyway at that time for legitimate, independent reasons?

3 Answer: _____ Yes No

4 If your answer to question 7 and/or question 11 is no, then answer question 12. If your
5 answer to question 7 is yes and your answer to question 11 is yes, stop here, answer no further
6 questions, and have the presiding juror sign and date this form.
7

8
9 **DAMAGES**

10 12. What are Ms. Hoeper's damages as a result of her termination?

11 Past lost earnings: \$ 601,630

12 Future lost earnings: \$ 136,318

13 Emotional distress, mental anguish, and humiliation: \$ \$1,291,409

14 Proceed to question 13.
15

16 13. Did Ms. Hoeper fail to take reasonable steps to mitigate her damages?

17 Answer: _____ Yes No

18 If your answer to question 13 is yes, then answer question 14. If your answer to question
19 13 is no, stop here.
20

21 14. After taking into account Ms. Hoeper's failure to mitigate, what are Ms. Hoeper's
22 damages?


23 Past lost earnings: \$ _____

24 Future lost earnings: \$ _____

25 Emotional distress, mental anguish, and humiliation: \$ _____

26 Sign and date this form.

27 Dated: March 7, 2017

28 
Foreperson