

# Daily Journal

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## Top Verdicts of 2014

The Largest and most significant verdicts and appellate reversals handed down in California in 2014

### TOP PLAINTIFFS' VERDICTS BY IMPACT

## Arreola v. City of Pomona et al.

**S**ergio Arreola, a probationary Los Angeles Police Department officer, was only weeks from becoming a full-time officer when he went to help his wife and her family after a minor traffic accident.

Pomona Police Department officers were already on the scene when Arreola arrived, and they subsequently claimed Arreola was belligerent. The officers arrested Arreola for assault and resisting arrest.

When Arreola's captain learned of the incident, he offered the young officer a choice: to resign or be fired. Arreola refused to resign, so he was terminated — a "death note" for a law enforcement career, said Arreola's attorney, Matthew McNicholas of McNicholas & McNicholas LLP.

McNicholas contended that the Pomona officers made false accusations, and he ultimately negotiated Arreola's reinstatement to the force around a year after he was terminated. It was a new professional experience for McNicholas, who said he had never heard of the LAPD voluntarily bringing back a fired officer.

Following his reinstatement, Arreola went on to sue the City of Pomona for what he claimed was excessive force by the two arresting officers. The defense argued that Arreola interfered and the force was necessary.

### case INFO

#### Employment, police use of force

Central District of California

U.S. District Judge Stephen V. Wilson

**Plaintiff's attorneys:** McNicholas & McNicholas LLP, Matthew McNicholas, Douglas Winter

**Defense attorneys:** Carpenter, Rothans & Dumont, Steven J. Rothans, Mark D. Rutter, Danielle C. Foster

In trial, McNicholas used digital audio recording from one of the officer's belts, in which the officer made a comment about choking Arreola, to prove that they forced Arreola to the ground and used a chokehold, he said.

In January, jurors returned a \$260,000 verdict for Arreola. The case ultimately settled for \$700,000, including attorney fees and costs. *Arreola v. City of Pomona, et al.*, CV13-4671 (C.D. Cal., filed June 27, 2013).

The verdict might have been larger if Arreola wasn't previously reinstated with the LAPD, McNicholas said, but the biggest challenge was getting Arreola his job back.



MATTHEW MCNICHOLAS

"That was actually the most important thing to me, even though it made his lawsuit worth a lot less money," he said.

Defense attorney Steven J. Rothans could not be reached for comment.

— Kylie Reynolds