

Filed MAR 25 2005
ROSA JUNQUEIRO, CLERK
Charlene Gray
DEPUTY

SPECIAL VERDICT
A. SEXUAL BATTERY: RACHEL LOMAS

1. Did Defendant Fr. Francis Arakal do an act with the intent to cause a harmful or offensive contact with an intimate part of Rachel Lomas?

_____ YES X _____ NO

If your answer is YES, go to question 2. If your answer is NO, go to Part B.

2. If you find that Defendant Fr. Francis Arakal did an act with the intent to cause a harmful or offensive contact with an intimate part of Rachel Lomas, did it result in a sexually offensive contact either directly or indirectly?

_____ YES _____ NO

If your answer is YES, go to question 3. If your answer is NO, go to Part B.

3. Did Rachel Lomas consent to the contact?

_____ YES _____ NO

If your answer is NO, go to question 4. If your answer is YES, go to Part B.

4. Did the harmful or offensive contact cause Rachel Lomas to suffer injury, damage, loss, or harm?

_____ YES _____ NO

If your answer is YES, go to question 5. If your answer is NO, go to Part B.

5. Did any of the following ratify the conduct of Fr. Francis Arakal?

	YES	NO
Bishop Steven Blaire	_____	_____
Monsignor Richard Ryan	_____	_____
Diocese of Stockton	_____	_____

PUNITIVE DAMAGES

6. Has Rachel Lomas proved by clear and convincing evidence that Fr. Francis Arakal acted with malice, oppression, or fraud?

_____ YES _____ NO

GO TO PART B

B. BATTERY - RACHEL LOMAS

1. Did Fr. Francis Arakal touch Rachel Lomas with the intent to harm or offend her?

_____ YES ~~_____ NO~~

If your answer to question 1 is YES, then answer question 2. If you answered NO, go to Part C.

2. Did Rachel Lomas consent to be touched?

_____ YES _____ NO

If your answer to question 2 is NO, then answer question 3. If you answered YES, go to Part C.

3. Was Rachel Lomas harmed or offended by Fr. Francis Arakal's conduct?

_____ YES _____ NO

If your answer to question 3 is YES, then answer question 4. If you answered NO, go to Part C.

4. Would a reasonable person in Rachel Lomas' situation have been offended by the touching?

_____ YES _____ NO

If your answer to question 4 is YES, then answer question 5. If you answered NO, go to Part C.

5. Did any of the following ratify the conduct of Fr. Francis Arakal?

	YES	NO
Bishop Steven Blaire	_____	_____
Monsignor Richard Ryan	_____	_____
Diocese of Stockton	_____	_____

Go to Question 6.

6. Was the conduct of Fr. Francis Arakal undertaken as the agent of:

Roman Catholic Bishop of Stockton, a corporation sole

_____ YES _____ NO

Bishop Stephen Blaire

_____ YES _____ NO

Monsignor Richard Ryan

_____ YES _____ NO

If your answer to question 7 is YES, then answer question 8. If you answered NO, stop here, go to Part C.

8. Was Fr. Francis Arakal acting within the scope of his agency when he undertook the conduct toward Rachel Lomas?

_____ YES _____ NO

PUNITIVE DAMAGES

7. Has Rachel Lomas proved by clear and convincing evidence that Fr. Francis Arakal acted with malice, oppression, or fraud?

_____ YES _____ NO

Go to Part C.

C. BATTERY – AMBER LOMAS

1. Did Fr. Francis Arakal touch Amber Lomas with the intent to harm or offend her?

_____ YES NO

If your answer to question 1 is YES, then answer question 2. If you answered NO, go to Part D.

2. Did Amber Lomas consent to be touched?

_____ YES _____ NO

If your answer to question 2 is NO, then answer question 3. If you answered YES, go to Part D.

3. Was Amber Lomas harmed or offended by Fr. Francis Arakal's conduct?

_____ YES _____ NO

If your answer to question 3 is YES, then answer question 4. If you answered NO, go to Part D.

4. Would a reasonable person in Amber Lomas' situation have been offended by the touching?

_____ YES _____ NO

If your answer to question 4 is YES, then answer question 5. If you answered NO, go to Part D.

5. Did any of the following ratify the conduct of Fr. Francis Arakal?

	YES	NO
Bishop Steven Blaire	_____	_____
Monsignor Richard Ryan	_____	_____
Diocese of Stockton	_____	_____

Go to Question 6.

6. Was the conduct of Fr. Francis Arakal undertaken as the agent of:

Roman Catholic Bishop of Stockton, a corporation sole

_____ YES _____ NO

Bishop Stephen Blaire

_____ YES _____ NO

Monsignor Richard Ryan

_____ YES _____ NO

If your answer to question 6 is YES, then answer question 7. If you answered NO, stop here, go to Part D.

8. Was Fr. Francis Arakal acting within the scope of his agency when he undertook the conduct toward Amber Lomas?

_____ YES _____ NO

Go to Part D.

D. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS – RACHEL LOMAS

1. With respect to Rachel Lomas, was Fr. Francis Arakal or Fr. Joseph Illo's conduct outrageous?

Fr. Francis Arakal? _____ YES ~~_____~~ NO

Fr. Joseph Illo? _____ YES ~~_____~~ NO

If your answer to question 1 is YES to either defendant, then answer question 2 for that defendant. If you answered NO for both defendants, stop here, go to Part E.

2(a). Did Fr. Francis Arakal or Fr. Joseph Illo intend to cause Rachel Lomas emotional distress?

Fr. Francis Arakal? _____ YES _____ NO

Fr. Joseph Illo? _____ YES _____ NO

2(b) Did Fr. Francis Arakal or Fr. Joseph Illo act with reckless disregard of the probability that Rachel Lomas would suffer emotional distress, knowing that Rachel Lomas was present when the conduct occurred?

Fr. Francis Arakal? _____ YES _____ NO

Fr. Joseph Illo? _____ YES _____ NO

If your answer to question 2(a) or 2(b) is YES for either defendant, then answer question 3 for that defendant. If you answered NO to each question in 2(a) and 2(b), stop here, and go to Part E.

3. Did Rachel Lomas suffer severe emotional distress?

_____ YES _____ NO

If your answer to question 3 is YES, then answer question 4. If you answered NO, go to Part E.

4. Was Fr. Francis Arakal or Fr. Joseph Illo's conduct a substantial factor in causing Rachel Lomas's severe emotional distress?

Fr. Francis Arakal? _____ YES _____ NO

Fr. Joseph Illo? _____ YES _____ NO

If your answer to question 4 is YES for either defendant, then answer question 5 for the defendant for whom you answered YES. If you answered NO for both defendants, stop here and go to Part E.

5. Did any of the following ratify the conduct of Fr. Francis Arakal /Fr. Joseph Illo?

	YES	NO
Bishop Steven Blaire	_____	_____
Monsignor Richard Ryan	_____	_____
Diocese of Stockton	_____	_____

Go to Question 6.

6(a). Was the conduct of Fr. Francis Arakal undertaken as the agent of:

Roman Catholic Bishop of Stockton, a corporation sole

_____ YES _____ NO

Bishop Stephen Blaire

_____ YES _____ NO

Monsignor Richard Ryan

_____ YES _____ NO

6(b). Was the conduct of Fr. Joseph Illo undertaken as the agent of:

Roman Catholic Bishop of Stockton, a corporation sole

_____ YES _____ NO

Bishop Stephen Blaire

_____ YES _____ NO

Monsignor Richard Ryan

_____ YES _____ NO

If your answer to question either 6 (a) or 6 (b) is YES, then answer question 7 with respect to such defendant. If you answered NO, stop here, go to Part E.

7. As to any defendant for whom you answered YES as to question 6, was that defendant acting within the scope of his agency when he undertook the conduct toward Rachel Lomas?

Fr. Francis Arakal _____ YES _____ NO

Fr. Joseph Illo _____ YES _____ NO

PUNITIVE DAMAGES

8. Has Rachel Lomas proved by clear and convincing evidence that Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, or Bishop Steven Blaire acted with malice, oppression, or fraud?

As to Fr. Joseph Illo:

_____ YES _____ NO

As to Fr. Francis Arakal:

_____ YES _____ NO

As to Msgr. Richard Ryan:

_____ YES _____ NO

As to Bishop Steven Blaire:

_____ YES _____ NO

Go to Part E.

E. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS – AMBER LOMAS

1. With respect to Amber Lomas, was Fr. Francis Arakal or Fr. Joseph Illo's conduct outrageous?

Fr. Francis Arakal? _____ YES X NO

Fr. Joseph Illo? X YES _____ NO

If your answer to question 1 is YES to either defendant, then answer question 2 for that defendant. If you answered NO for both defendants, stop here, go to Part F.

2(a). Did Fr. Francis Arakal or Fr. Joseph Illo intend to cause Amber Lomas emotional distress?

Fr. Francis Arakal? _____ YES _____ NO

Fr. Joseph Illo? _____ YES X NO

2(b) Did Fr. Francis Arakal or Fr. Joseph Illo act with reckless disregard of the probability that Amber Lomas would suffer emotional distress, knowing that Amber Lomas was present when the conduct occurred?

Fr. Francis Arakal?	<input type="checkbox"/>	YES	<input type="checkbox"/>	NO
Fr. Joseph Illo?	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO

If your answer to question 2(a) or 2(b) is YES for either defendant, then answer question 3 for that defendant. If you answered NO to each question in 2(a) and 2(b), stop here, and go to Part F.

3. Did Amber Lomas suffer severe emotional distress?

<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
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If your answer to question 3 is YES, then answer question 4. If you answered NO, go to Part F.

4. Was Fr. Francis Arakal or Fr. Joseph Illo's conduct a substantial factor in causing Amber Lomas's severe emotional distress?

Fr. Francis Arakal?	<input type="checkbox"/>	YES	<input type="checkbox"/>	NO
Fr. Joseph Illo?	<input type="checkbox"/>	YES	<input type="checkbox"/>	NO

If your answer to question 4 is YES for either defendant, then answer question 5 for the defendant for whom you answered YES. If you answered NO for both defendants, stop here and go to Part F.

5. Did any of the following ratify the conduct of Fr. Francis Arakal /Fr. Joseph Illo?

	YES	NO
Bishop Steven Blaire	<input type="checkbox"/>	<input type="checkbox"/>
Monsignor Richard Ryan	<input type="checkbox"/>	<input type="checkbox"/>
Diocese of Stockton	<input type="checkbox"/>	<input type="checkbox"/>

Go to Question 6.

6(a). Was the conduct of Fr. Francis Arakal undertaken as the agent of:

Roman Catholic Bishop of Stockton, a corporation sole

_____ YES _____ NO

Bishop Stephen Blaire

_____ YES _____ NO

Monsignor Richard Ryan

_____ YES _____ NO

6(b). Was the conduct of Fr. Joseph Illo undertaken as the agent of:

Roman Catholic Bishop of Stockton, a corporation sole

_____ YES _____ NO

Bishop Stephen Blaire

_____ YES _____ NO

Monsignor Richard Ryan

_____ YES _____ NO

If your answer to question either 6 (a) or 6 (b) is YES, then answer question 7 with respect to such defendant. If you answered NO, stop here, go to Part F.

7. As to any defendant for whom you answered YES as to question 6, was that defendant acting within the scope of his agency when he undertook the conduct toward Amber Lomas?

Fr. Francis Arakal _____ YES _____ NO

Fr. Joseph Illo _____ YES _____ NO

PUNITIVE DAMAGES

8. Has Amber Lomas proved by clear and convincing evidence that Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, or Bishop Steven Blaire acted with malice, oppression, or fraud?

As to Fr. Joseph Illo:

_____ YES _____ NO

As to Fr. Francis Arakal:

_____ YES _____ NO

As to Msgr. Richard Ryan:

_____ YES _____ NO

As to Bishop Steven Blaire:

_____ YES _____ NO

Go to Part F.

F. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS – KATHLEEN MACHADO

1. With respect to Kathleen Machado, was Fr. Francis Arakal or Fr. Joseph Illo's conduct outrageous?

Fr. Francis Arakal? _____ YES X NO

Fr. Joseph Illo? _____ YES X NO

If your answer to question 1 is YES to either defendant, then answer question 2 for that defendant. If you answered NO for both defendants, stop here, go to Part G.

2(a). Did Fr. Francis Arakal or Fr. Joseph Illo intend to cause Kathleen Machado emotional distress?

Fr. Francis Arakal? _____ YES _____ NO

Fr. Joseph Illo? _____ YES _____ NO

2(b) Did Fr. Francis Arakal or Fr. Joseph Illo act with reckless disregard of the probability that Kathleen Machado would suffer emotional distress, knowing that Kathleen Machado was present when the conduct occurred?

Fr. Francis Arakal? _____ YES _____ NO

Fr. Joseph Illo? _____ YES _____ NO

If your answer to question 2(a) or 2(b) is YES for either defendant, then answer question 3 for that defendant. If you answered NO to each question in 2(a) and 2(b), stop here, and go to Part F.

3. Did Kathleen Machado suffer severe emotional distress?

_____ YES _____ NO

If your answer to question 3 is YES, then answer question 4. If you answered NO, go to Part F.

4. Was Fr. Francis Arakal or Fr. Joseph Illo's conduct a substantial factor in causing Kathleen Machado's severe emotional distress?

Fr. Francis Arakal? _____ YES _____ NO

Fr. Joseph Illo? _____ YES _____ NO

If your answer to question 4 is YES for either defendant, then answer question 5 for the defendant for whom you answered YES. If you answered NO for both defendants, stop here and go to Part G.

5. Did any of the following ratify the conduct of Fr. Francis Arakal /Fr. Joseph Illo?

	YES	NO
Bishop Steven Blaire	_____	_____
Monsignor Richard Ryan	_____	_____
Diocese of Stockton	_____	_____

Go to Question 6.

6(a). Was the conduct of Fr. Francis Arakal undertaken as the agent of:

Roman Catholic Bishop of Stockton, a corporation sole

_____ YES _____ NO

Bishop Stephen Blaire

_____ YES _____ NO

Monsignor Richard Ryan

_____ YES _____ NO

6(b). Was the conduct of Fr. Joseph Ilo undertaken as the agent of:

Roman Catholic Bishop of Stockton, a corporation sole

_____ YES _____ NO

Bishop Stephen Blaire

_____ YES _____ NO

Monsignor Richard Ryan

_____ YES _____ NO

If your answer to question either 6 (a) or 6 (b) is YES, then answer question 7 question 7 with respect to such defendant. If you answered NO, stop here, go to Part G.

7. As to any defendant for whom you answered YES as to question 6, was that defendant acting within the scope of his agency when he undertook the conduct toward Kathleen Machado?

Fr. Francis Arakal _____ YES _____ NO

Fr. Joseph Ilo _____ YES _____ NO

PUNITIVE DAMAGES

8. Has Kathleen Machado proved by clear and convincing evidence that Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, or Bishop Steven Blaire acted with malice, oppression, or fraud?

As to Fr. Joseph Illo:

_____ YES _____ NO

As to Fr. Francis Arakal:

_____ YES _____ NO

As to Msgr. Richard Ryan:

_____ YES _____ NO

As to Bishop Steven Blaire:

_____ YES _____ NO

Go to Part G.

G. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS – RACHEL LOMAS

With respect to Rachel Lomas:

1. Was Fr. Joseph Illo negligent?

_____ YES X NO

Was Fr. Francis Arakal negligent?

_____ YES X NO

Was Msgr Richard Ryan negligent?

_____ YES X NO

Was Bishop Steven Blaire negligent?

_____ YES X NO

If you answered YES in any part of question 1, then answer question 2. If you answered NO to all parts of question 1, stop here, go to Part H.

2. For each defendant that received a "YES" answer in question 1, answer the following:

Was Fr. Joseph Illo's negligence a substantial factor in causing harm to Rachel Lomas?

_____ YES _____ NO

Was Fr. Francis Arakal's negligence a substantial factor in causing harm to Rachel Lomas?

_____ YES _____ NO

Was Msgr Richard Ryan's negligence a substantial factor in causing harm to Rachel Lomas?

_____ YES _____ NO

Was Bishop Steven Blaire's negligence a substantial factor in causing harm to Rachel Lomas?

_____ YES _____ NO

If you answered YES in any part of question 2 with respect to one or more of the defendants, then answer question 3 as to that/those defendants. If you answered NO regarding all persons in question 2, then insert the number zero next to their names in question 3 and answer question 3.

3. What percentage of responsibility for Rachel's harm do you assign to the following? Insert a percentage for only those who received "YES" answers in question 2:

Fr. Joseph Illo: _____ %

Fr. Francis Arakal: _____ %

Monsignor Richard Ryan: _____ %

Bishop Steven Blaire: _____ %

TOTAL 100 %

4. Did any of the following ratify the conduct of Fr. Francis Arakal or Fr. Joseph Illo?

	YES	NO
Bishop Steven Blaire	_____	_____
Monsignor Richard Ryan	_____	_____
Diocese of Stockton	_____	_____

Go to Question 5.

5(a). Was the conduct of Fr. Francis Arakal undertaken as the agent of:

Roman Catholic Bishop of Stockton, a corporation sole

_____ YES _____ NO

Bishop Stephen Blaire

_____ YES _____ NO

Monsignor Richard Ryan

_____ YES _____ NO

5(b). Was the conduct of Fr. Joseph Illo undertaken as the agent of:

Roman Catholic Bishop of Stockton, a corporation sole

_____ YES _____ NO

Bishop Stephen Blaire

_____ YES _____ NO

Monsignor Richard Ryan

_____ YES _____ NO

If your answer to question either 5(a) or 5(b) is YES, then answer question 6. If you answered NO to both, stop here, go to Part H.

6. Was either Fr. Francis Arakal or Fr. Joseph Illo acting within the scope of his agency when he undertook the conduct toward Rachel Lomas?

Fr. Francis Arakal YES NO

Fr. Joseph Illo YES NO

Go to H

H. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS – AMBER LOMAS

With respect to Amber Lomas:

1. Was Fr. Joseph Illo negligent?

YES NO

Was Fr. Francis Arakal negligent?

YES NO

Was Msgr Richard Ryan negligent?

YES NO

Was Bishop Steven Blaire negligent?

YES NO

If you answered YES in any part of question 1, then answer question 2. If you answered NO to all parts of question 1, stop here, go to Part I.

2. For each defendant that received a "YES" answer in question 1, answer the following:

Was Fr. Joseph Illo's negligence a substantial factor in causing harm to Amber Lomas?

YES NO

Was Fr. Francis Arakal's negligence a substantial factor in causing harm to Amber Lomas?

X YES _____ NO

Was Msgr Richard Ryan's negligence a substantial factor in causing harm to Amber Lomas?

_____ YES X NO

Was Bishop Steven Blaire's negligence a substantial factor in causing harm to Amber Lomas?

_____ YES X NO

If you answered YES in any part of question 2 with respect to one or more of the defendants, then answer question 3 as to that/those defendants. If you answered NO regarding all persons in question 2, then insert the number zero next to their names in question 3 and answer question 3.

3. What percentage of responsibility for Amber Lomas's harm do you assign to the following? Insert a percentage for only those who received "YES" answers in question 2:

Fr. Joseph Illo: 60 %

Fr. Francis Arakal: 40 %

Monsignor Richard Ryan: _____ %

Bishop Steven Blaire: _____ %

TOTAL 100 %

4. Did any of the following ratify the conduct of Fr. Francis Arakal or Fr. Joseph Illo?

	YES	NO
Bishop Steven Blaire	_____	<u>X</u>
Monsignor Richard Ryan	_____	<u>X</u>
Diocese of Stockton	_____	<u>X</u>

Go to Question 5.

5 (a). Was the conduct of Fr. Francis Arakal undertaken as the agent of:

Roman Catholic Bishop of Stockton, a corporation sole

YES NO

Bishop Stephen Blaire

YES NO

Monsignor Richard Ryan

YES NO

5(b). Was the conduct of Fr. Joseph Illo undertaken as the agent of:

Roman Catholic Bishop of Stockton, a corporation sole

YES NO

Bishop Stephen Blaire

YES NO

Monsignor Richard Ryan

YES NO

If your answer to question either 5 (a) or 5(b) is YES, then answer question 6. If you answered NO to both, stop here, go to Part I.

6. Was either Fr. Francis Arakal or Fr. Joseph Illo acting within the scope of his agency when he undertook the conduct toward Amber Lomas?

Fr. Francis Arakal YES NO

Fr. Joseph Illo YES NO

Go to I

I. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS – KATHLEEN MACHADO

With respect to Kathleen Machado:

1. Was Fr. Joseph Illo negligent?

_____ YES X NO

Was Fr. Francis Arakal negligent?

_____ YES X NO

Was Msgr Richard Ryan negligent?

_____ YES X NO

Was Bishop Steven Blaire negligent?

_____ YES X NO

If you answered YES in any part of question 1, then answer question 2. If you answered NO to all parts of question 1, stop here, go to Part J.

2. For each defendant that received a "YES" answer in question 1, answer the following:

Was Fr. Joseph Illo's negligence a substantial factor in causing harm to Kathleen Machado?

_____ YES _____ NO

Was Fr. Francis Arakal's negligence a substantial factor in causing harm to Kathleen Machado?

_____ YES _____ NO

Was Msgr Richard Ryan's negligence a substantial factor in causing harm to Kathleen Machado?

_____ YES _____ NO

Was Bishop Steven Blaire's negligence a substantial factor in causing harm to Kathleen Machado?

_____ YES _____ NO

If you answered YES in any part of question 2 with respect to one or more of the defendants, then answer question 3 as to that/those defendants. If you answered NO regarding all persons in question 2, then insert the number zero next to their names in question 3 and answer question 3.

3. What percentage of responsibility for Kathleen Machado harm do you assign to the following? Insert a percentage for only those who received "YES" answers in question 2:

Fr. Joseph Illo:	_____	%
Fr. Francis Arakal:	_____	%
Monsignor Richard Ryan:	_____	%
Bishop Steven Blaire:	_____	%
TOTAL	100	%

4. Did any of the following ratify the conduct of Fr. Francis Arakal or Fr. Joseph Illo?

	YES	NO
Bishop Steven Blaire	_____	_____
Monsignor Richard Ryan	_____	_____
Diocese of Stockton	_____	_____

Go to Question 5.

5(a). Was the conduct of Fr. Francis Arakal undertaken as the agent of:

Roman Catholic Bishop of Stockton, a corporation sole

_____ YES _____ NO

Bishop Stephen Blaire

_____ YES _____ NO

Monsignor Richard Ryan

_____ YES _____ NO

5(b). Was the conduct of Fr. Joseph Illo undertaken as the agent of:

Roman Catholic Bishop of Stockton, a corporation sole

_____ YES _____ NO

Bishop Stephen Blaire

_____ YES _____ NO

Monsignor Richard Ryan

_____ YES _____ NO

If your answer to question either 5(a) or 5(b) is YES, then answer question question 6. If you answered NO to both, stop here, go to Part J.

6. Was Fr. Francis Arakal or Fr. Joseph Illo acting within the scope of his agency when he undertook the conduct toward Kathleen Machado?

Fr. Francis Arakal _____ YES _____ NO

Fr. Joseph Illo _____ YES _____ NO

Go to J

J. DEFAMATION PER SE – KATHLEEN MACHADO.

1. Did Fr. Joseph Illo make one or more of the following statement(s) to a person or persons other than Kathleen Machado?

“All your mother wants is to have sex with me.”

YES _____ NO

“Kathleen Machado is stalking me.”

_____ YES NO

If your answer to question 1 is YES, then answer question 2 for the defendant for whom you gave a YES answer. If you answered NO, stop here, go to Part K.

2. Did the people to whom the statements were made reasonably understand that the statement(s) were about Kathleen Machado?

"All your mother wants is to have sex with me."

YES NO

"Kathleen Machado is stalking me" ..

YES NO

If your answer to question 2 is YES as to any statement, then answer question 3. If you answered NO to all statements, stop here, and go to Part K.

3. Did these people reasonably understand the statement(s) to mean that Kathleen Machado was an unchaste woman or had committed a crime?

Unchaste woman?

YES NO

Committed a crime?

YES NO

If your answer to question 3 is YES in any respect, then answer question 4 for the statement(s) for which you answered YES. If you answered NO to all, stop here and go to Part K.

4. Did Fr. Joseph Illo fail to use reasonable care to determine the truth or falsity of the statement(s)?

"All your mother wants is to have sex with me."

YES NO

"Kathleen Machado is stalking me".

YES NO

If your answer to any part of question 4 is YES, then answer question 5. If you answered NO, stop here, and go to Part ~~A~~

K

PUNITIVE DAMAGES

7. Has Kathleen Machado proved by clear and convincing evidence that Fr. Joseph Illo acted with malice, oppression, or fraud?

As to Fr. Joseph Illo:

_____ YES _____ NO

K. DAMAGES

If you found in favor of Rachel Lomas, Amber Lomas, or Kathleen Machado on any cause of action, please answer the following. Otherwise, have the foreperson sign and date this form.

1. What are Rachel Lomas's total damages? Do not reduce the damages based on the fault, if any, of others.

- a. Past economic loss, including medical expenses]: \$ _____
 - b. Future economic loss, including medical expenses: \$ _____
 - c. Past Noneconomic loss, including physical pain, mental suffering: \$ _____
 - d. Future Noneconomic loss, including physical pain, mental suffering: \$ _____
- TOTAL \$ 0

2. What are Amber Lomas's total damages? Do not reduce the damages based on the fault, if any, of others.

- a. Past economic loss, including medical expenses]: \$ 0
 - b. Future economic loss, including medical expenses: \$ 20,000
 - c. Past noneconomic loss, including physical pain, mental suffering: \$ 0
 - d. Future noneconomic loss, including physical pain, mental suffering: \$ 0
- TOTAL \$ 20,000

3. What are Kathleen Machado's total damages, not including the damages awarded for defamation, if any? Do not reduce the damages based on the fault, if any, of others.

a. Past noneconomic loss, including physical pain, mental suffering: \$ _____

b. Future noneconomic loss, including physical pain, mental suffering: \$ _____

TOTAL (excluding defamation) \$ _____

+ DEFAMATION DAMAGES \$ _____

TOTAL DAMAGES FOR KATHLEEN MACHADO \$ 0 _____

Dated: 03/25/05


Foreperson

RECORD OF EXHIBITS

pg. 1 of 2

Hon. ELIZABETH HUMPHREYS Clerk: CHARLENE GRAY Case No. CV 018440

Title: Kathleen Machado vs Fr. Joseph Illo, et al

People	Plaintiff	Petitioner	Defendant	Respondent	Court
	X				

Exhibits given to Exhibit Clerk in Superior Court Clerk's Office.

Exhibits returned to: _____ Date: _____

Receipt of exhibits is hereby acknowledged: _____

No.	Description:	Date exhibit introduced:	Admitted:		Date exhibit admitted:
			Yes	No	
1	Letter to Kathleen Machado 12-22-01	MAR 9 2005	X		MAR 10 2005
2	Letter to Bishop Blaire from K. Machado 1-9-02	MAR 9 2005	X		MAR 10 2005
3	Letter to Bishop Blaire - 2nd 2-20-02	MAR 9 2005	X		MAR 10 2005
4	Letter to K. Machado from Bish. Blaire 3-15-02	MAR 9 2005	X		MAR 10 2005
5	Letter to Bish. Blaire from K. Machado 3-26-02	MAR 10 2005	X		MAR 10 2005
6	Letter to K. Machado from Fr. Illo 6-22-99	MAR 10 2005	X		MAR 10 2005
7	Protection of Children 10-30-98	MAR 11 2005	X		MAR 15 2005
8	Diocese of Stockton Policy on Child Abuse Prev.	MAR 11 2005	X		MAR 15 2005
9	Memo to Fr. Illo from M. Mullin 12-20-01	MAR 15 2005	X		MAR 15 2005
10	Letter to Elaine Shields from Fr. Illo 7-5-02	MAR 15 2005			Withdrawn 3-17-05
11	Letter to Elaine Shields from Fr. Illo 7-20-02	MAR 15 2005	X		MAR 17 2005
12	Statement of Fr. Arakal 10-5-01	MAR 15 2005	X		MAR 17 2005
13	Meeting with Fr. Arakal 5-14-02	MAR 15 2005	X		MAR 17 2005
14	Mons. Ryan's handwritten note 9-13-01	MAR 16 2005	X		MAR 17 2005
15	Mons. Ryan's note	MAR 16 2005	X		MAR 17 2005
16	Letter to Kathleen Machado	MAR 16 2005	X		MAR 17 2005
17	Dr. Weidn's report 11-28-04	MAR 17 2005	X		MAR 17 2005
18	Letter to Bish. Blaire from Fr. Illo 3-14-02	MAR 22 2005	X		MAR 23 2005
19	Fr. Illo's message on Ch. Website ^{printed 3-1-05} 2-27-05	MAR 22 2005	X		MAR 23 2005
20	Fr. Illo's message on Ch. Website ^{printed 3-6-05} 2-27-05	MAR 22 2005	X		MAR 23 2005

RECORD OF EXHIBITS

pg 1 of 2

Hon. ELIZABETH HUMPHREYS Clerk: CHARLENE GRAY Case No. CV 018440

Title: Kathleen Machado vs Fr. Joseph Illo, et al

People	Plaintiff	Petitioner	Defendant	Respondent	Court
			X		

Exhibits given to Exhibit Clerk in Superior Court Clerk's Office.

Exhibits returned to: _____ Date: _____

Receipt of exhibits is hereby acknowledged: _____

No.	Description:	Date exhibit introduced:	Admitted:		Date exhibit admitted:
			Yes	No	
101	Rachel Lomas' typewritten note 6-29-01	MAR 8 2005	X		MAR 8 2005
102	Letter from Rachel Lomas to Fr. Joseph 5-9-00	MAR 8 2005	X		MAR 8 2005
103	Typed letter from R. Lomas to Fr. Joseph 3-14-01	MAR 8 2005	X		MAR 8 2005
104	Photo Board of Pltffs' house - interior	MAR 9 2005	X		MAR 23 2005
105	Photo - Plaintiffs' Living Rm.	MAR 10 2005	X		MAR 10 2005
106	Photo - " " "	MAR 10 2005	X		MAR 10 2005
107	Photo - " Kitchen into Living Rm.	MAR 10 2005	X		MAR 10 2005
108	Photo - " Living Rm	MAR 10 2005	X		MAR 10 2005
109	Letter from Amber Lomas to Fr. Illo	MAR 10 2005	X		MAR 10 2005
110	same as 109 with date 6-28-01	MAR 10 2005	X		MAR 10 2005
111	Copy of inside of Thanksgiving card 11-22-01	MAR 10 2005	X		MAR 10 2005
112	Rachel Lomas' prayer request	MAR 10 2005	X		MAR 10 2005
113	Letter to Fr. Illo from K. Machado 11-99	MAR 10 2005	X		MAR 18 2005
114	2 pg. Letter from K. Machado to Fr. Joseph 4-30-00	MAR 10 2005	X		MAR 18 2005
115	copy - birthday card, inside 12-4	MAR 10 2005	X		MAR 18 2005
116	Letter to Bish. Blaire from K. Machado w/envel. 3-26-02	MAR 11 2005	X		MAR 11 2005
117	Letter from K. Machado to Bish. Blaire 4-17-02	MAR 11 2005	X		MAR 11 2005
118	Letter from Fr. Illo to K. Machado re: rel. ed. 5-7-02	MAR 11 2005	X		MAR 11 2005
119	Letter from K. Machado to Fr. Joseph 8-21-00	MAR 11 2005	X		MAR 11 2005
120	Letter " " " " " " 10-4-00	MAR 11 2005	X		MAR 23 2005

RECORD OF EXHIBITS

Hon. ELIZABETH HUMPHREYS Clerk: CHARLENE GRAY Case No. CV 018440

Title: Kathleen Machado vs Dr. Joseph Illo et al

People	Plaintiff	Petitioner	Defendant	Respondent	Court
			X		

Exhibits given to Exhibit Clerk in Superior Court Clerk's Office.

Exhibits returned to: _____ Date: _____

Receipt of exhibits is hereby acknowledged: _____

No.	Description:	Date exhibit introduced:	Admitted:		Date exhibit admitted:
			Yes	No	
121	Email from K. Machado to Dr. Illo	MAR 11 2005	X		MAR 11 2005
122	copy of card with scapular	MAR 11 2005	X		MAR 11 2005
123	copy of letter	MAR 11 2005	X		MAR 11 2005
124	Handwritten notes to K. Machado from Dr. Illo 6-15-03	MAR 18 2005	X		MAR 23 2005
125	Letter to Dr. Illo from Amber duplicate of #109	MAR 18 2005	X		MAR 23 2005
126	Letter to Dr. Illo from C. Lomas	MAR 18 2005	X		MAR 23 2005
127	Card w/ handwritten note to Dr. Illo duplicate of #123 7-1-01	MAR 18 2005	X		MAR 23 2005
128	Officer Bali's report	MAR 23 2005		X	

RECORD OF EXHIBITS

Hon. FLIZABETH HUMPHREYS Clerk: CHARLENE GRAY Case No. CV018440

Title: Kathleen Machado vs Fr Joseph Illo, et al

People	Plaintiff	Petitioner	Defendant	Respondent	Court
			X		

Exhibits given to Exhibit Clerk in Superior Court Clerk's Office.

Exhibits returned to: _____ Date: _____

Receipt of exhibits is hereby acknowledged: _____

No.	Description:	Date exhibit introduced:	Admitted:		Date exhibit admitted:
			Yes	No	
201	Rachel Lomas report card ¹⁵ 8-01 to 10-17-01	MAR 8 2005	X		MAR 8 2005
202	Rachel Lomas Conflict man. Award 1-11-02	MAR 8 2005	X		MAR 8 2005

Filed MAR 25 2005
ROSA JUNQUEIRO, CLERK
Charlene Gray
DEPUTY

SPECIAL VERDICT
A. SEXUAL BATTERY: RACHEL LOMAS

1. Did Defendant Fr. Francis Arakal do an act with the intent to cause a harmful or offensive contact with an intimate part of Rachel Lomas?

_____ YES X _____ NO

If your answer is YES, go to question 2. If your answer is NO, go to Part B.

2. If you find that Defendant Fr. Francis Arakal did an act with the intent to cause a harmful or offensive contact with an intimate part of Rachel Lomas, did it result in a sexually offensive contact either directly or indirectly?

_____ YES _____ NO

If your answer is YES, go to question 3. If your answer is NO, go to Part B.

3. Did Rachel Lomas consent to the contact?

_____ YES _____ NO

If your answer is NO, go to question 4. If your answer is YES, go to Part B.

4. Did the harmful or offensive contact cause Rachel Lomas to suffer injury, damage, loss, or harm?

_____ YES _____ NO

If your answer is YES, go to question 5. If your answer is NO, go to Part B.

5. Did any of the following ratify the conduct of Fr. Francis Arakal?

	YES	NO
Bishop Steven Blaire	_____	_____
Monsignor Richard Ryan	_____	_____
Diocese of Stockton	_____	_____

PUNITIVE DAMAGES

6. Has Rachel Lomas proved by clear and convincing evidence that Fr. Francis Arakal acted with malice, oppression, or fraud?

_____ YES _____ NO

GO TO PART B

B. BATTERY – RACHEL LOMAS

1. Did Fr. Francis Arakal touch Rachel Lomas with the intent to harm or offend her?

_____ YES ~~_____ NO~~

If your answer to question 1 is YES, then answer question 2. If you answered NO, go to Part C.

2. Did Rachel Lomas consent to be touched?

_____ YES _____ NO

If your answer to question 2 is NO, then answer question 3. If you answered YES, go to Part C.

3. Was Rachel Lomas harmed or offended by Fr. Francis Arakal's conduct?

_____ YES _____ NO

If your answer to question 3 is YES, then answer question 4. If you answered NO, go to Part C.

4. Would a reasonable person in Rachel Lomas' situation have been offended by the touching?

_____ YES _____ NO

If your answer to question 4 is YES, then answer question 5. If you answered NO, go to Part C.

5. Did any of the following ratify the conduct of Fr. Francis Arakal?

	YES	NO
Bishop Steven Blaire	_____	_____
Monsignor Richard Ryan	_____	_____
Diocese of Stockton	_____	_____

Go to Question 6.

6. Was the conduct of Fr. Francis Arakal undertaken as the agent of:

Roman Catholic Bishop of Stockton, a corporation sole

_____ YES _____ NO

Bishop Stephen Blaire

_____ YES _____ NO

Monsignor Richard Ryan

_____ YES _____ NO

If your answer to question 7 is YES, then answer question 8. If you answered NO, stop here, go to Part C.

8. Was Fr. Francis Arakal acting within the scope of his agency when he undertook the conduct toward Rachel Lomas?

_____ YES _____ NO

PUNITIVE DAMAGES

7. Has Rachel Lomas proved by clear and convincing evidence that Fr. Francis Arakal acted with malice, oppression, or fraud?

_____ YES _____ NO

Go to Part C.

C. BATTERY – AMBER LOMAS

1. Did Fr. Francis Arakal touch Amber Lomas with the intent to harm or offend her?

_____ YES ~~_____~~ NO

If your answer to question 1 is YES, then answer question 2. If you answered NO, go to Part D.

2. Did Amber Lomas consent to be touched?

_____ YES _____ NO

If your answer to question 2 is NO, then answer question 3. If you answered YES, go to Part D.

3. Was Amber Lomas harmed or offended by Fr. Francis Arakal's conduct?

_____ YES _____ NO

If your answer to question 3 is YES, then answer question 4. If you answered NO, go to Part D.

4. Would a reasonable person in Amber Lomas' situation have been offended by the touching?

_____ YES _____ NO

If your answer to question 4 is YES, then answer question 5. If you answered NO, go to Part D.

5. Did any of the following ratify the conduct of Fr. Francis Arakal?

	YES	NO
Bishop Steven Blaire	_____	_____
Monsignor Richard Ryan	_____	_____
Diocese of Stockton	_____	_____

Go to Question 6.

6. Was the conduct of Fr. Francis Arakal undertaken as the agent of:

Roman Catholic Bishop of Stockton, a corporation sole

_____ YES _____ NO

Bishop Stephen Blaire

_____ YES _____ NO

Monsignor Richard Ryan

_____ YES _____ NO

If your answer to question 6 is YES, then answer question 7. If you answered NO, stop here, go to Part D.

8. Was Fr. Francis Arakal acting within the scope of his agency when he undertook the conduct toward Amber Lomas?

_____ YES _____ NO

Go to Part D.

D. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS – RACHEL LOMAS

1. With respect to Rachel Lomas, was Fr. Francis Arakal or Fr. Joseph Illo's conduct outrageous?

Fr. Francis Arakal?	_____ YES	_____ NO
Fr. Joseph Illo?	_____ YES	_____ NO

If your answer to question 1 is YES to either defendant, then answer question 2 for that defendant. If you answered NO for both defendants, stop here, go to Part E.

2(a). Did Fr. Francis Arakal or Fr. Joseph Illo intend to cause Rachel Lomas emotional distress?

Fr. Francis Arakal?	_____ YES	_____ NO
Fr. Joseph Illo?	_____ YES	_____ NO

2(b) Did Fr. Francis Arakal or Fr. Joseph Illo act with reckless disregard of the probability that Rachel Lomas would suffer emotional distress, knowing that Rachel Lomas was present when the conduct occurred?

Fr. Francis Arakal? _____ YES _____ NO

Fr. Joseph Illo? _____ YES _____ NO

If your answer to question 2(a) or 2(b) is YES for either defendant, then answer question 3 for that defendant. If you answered NO to each question in 2(a) and 2(b), stop here, and go to Part E.

3. Did Rachel Lomas suffer severe emotional distress?

_____ YES _____ NO

If your answer to question 3 is YES, then answer question 4. If you answered NO, go to Part E.

4. Was Fr. Francis Arakal or Fr. Joseph Illo's conduct a substantial factor in causing Rachel Lomas's severe emotional distress?

Fr. Francis Arakal? _____ YES _____ NO

Fr. Joseph Illo? _____ YES _____ NO

If your answer to question 4 is YES for either defendant, then answer question 5 for the defendant for whom you answered YES. If you answered NO for both defendants, stop here and go to Part E.

5. Did any of the following ratify the conduct of Fr. Francis Arakal /Fr. Joseph Illo?

	YES	NO
Bishop Steven Blaire	_____	_____
Monsignor Richard Ryan	_____	_____
Diocese of Stockton	_____	_____

Go to Question 6.

6(a). Was the conduct of Fr. Francis Arakal undertaken as the agent of:

Roman Catholic Bishop of Stockton, a corporation sole

_____ YES _____ NO

Bishop Stephen Blaire

_____ YES _____ NO

Monsignor Richard Ryan

_____ YES _____ NO

6(b). Was the conduct of Fr. Joseph Illo undertaken as the agent of:

Roman Catholic Bishop of Stockton, a corporation sole

_____ YES _____ NO

Bishop Stephen Blaire

_____ YES _____ NO

Monsignor Richard Ryan

_____ YES _____ NO

If your answer to question either 6 (a) or 6 (b) is YES, then answer question 7 with respect to such defendant. If you answered NO, stop here, go to Part E.

7. As to any defendant for whom you answered YES as to question 6, was that defendant acting within the scope of his agency when he undertook the conduct toward Rachel Lomas?

Fr. Francis Arakal _____ YES _____ NO

Fr. Joseph Illo _____ YES _____ NO

PUNITIVE DAMAGES

8. Has Rachel Lomas proved by clear and convincing evidence that Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, or Bishop Steven Blaire acted with malice, oppression, or fraud?

As to Fr. Joseph Illo:

_____ YES _____ NO

As to Fr. Francis Arakal:

_____ YES _____ NO

As to Msgr. Richard Ryan:

_____ YES _____ NO

As to Bishop Steven Blaire:

_____ YES _____ NO

Go to Part E.

E. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS – AMBER LOMAS

1. With respect to Amber Lomas, was Fr. Francis Arakal or Fr. Joseph Illo's conduct outrageous?

Fr. Francis Arakal? _____ YES ~~_____~~ NO

Fr. Joseph Illo? ~~_____~~ YES _____ NO

If your answer to question 1 is YES to either defendant, then answer question 2 for that defendant. If you answered NO for both defendants, stop here, go to Part F.

2(a). Did Fr. Francis Arakal or Fr. Joseph Illo intend to cause Amber Lomas emotional distress?

Fr. Francis Arakal? _____ YES _____ NO

Fr. Joseph illo? _____ YES ~~_____~~ NO

2(b) Did Fr. Francis Arakal or Fr. Joseph Illo act with reckless disregard of the probability that Amber Lomas would suffer emotional distress, knowing that Amber Lomas was present when the conduct occurred?

Fr. Francis Arakal? _____ YES _____ NO
Fr. Joseph Illo? X YES _____ NO

If your answer to question 2(a) or 2(b) is YES for either defendant, then answer question 3 for that defendant. If you answered NO to each question in 2(a) and 2(b), stop here, and go to Part F.

3. Did Amber Lomas suffer severe emotional distress?

_____ YES X NO

If your answer to question 3 is YES, then answer question 4. If you answered NO, go to Part F.

4. Was Fr. Francis Arakal or Fr. Joseph Illo's conduct a substantial factor in causing Amber Lomas's severe emotional distress?

Fr. Francis Arakal? _____ YES _____ NO
Fr. Joseph Illo? _____ YES _____ NO

If your answer to question 4 is YES for either defendant, then answer question 5 for the defendant for whom you answered YES. If you answered NO for both defendants, stop here and go to Part F.

5. Did any of the following ratify the conduct of Fr. Francis Arakal /Fr. Joseph Illo?

	YES	NO
Bishop Steven Blaire	_____	_____
Monsignor Richard Ryan	_____	_____
Diocese of Stockton	_____	_____

Go to Question 6.

6(a). Was the conduct of Fr. Francis Arakal undertaken as the agent of:

Roman Catholic Bishop of Stockton, a corporation sole

_____ YES _____ NO

Bishop Stephen Blaire

_____ YES _____ NO

Monsignor Richard Ryan

_____ YES _____ NO

6(b). Was the conduct of Fr. Joseph Illo undertaken as the agent of:

Roman Catholic Bishop of Stockton, a corporation sole

_____ YES _____ NO

Bishop Stephen Blaire

_____ YES _____ NO

Monsignor Richard Ryan

_____ YES _____ NO

If your answer to question either 6 (a) or 6 (b) is YES, then answer question 7 with respect to such defendant. If you answered NO, stop here, go to Part F.

7. As to any defendant for whom you answered YES as to question 6, was that defendant acting within the scope of his agency when he undertook the conduct toward Amber Lomas?

Fr. Francis Arakal _____ YES _____ NO

Fr. Joseph Illo _____ YES _____ NO

PUNITIVE DAMAGES

8. Has Amber Lomas proved by clear and convincing evidence that Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, or Bishop Steven Blaire acted with malice, oppression, or fraud?

As to Fr. Joseph Illo:

_____ YES _____ NO

As to Fr. Francis Arakal:

_____ YES _____ NO

As to Msgr. Richard Ryan:

_____ YES _____ NO

As to Bishop Steven Blaire:

_____ YES _____ NO

Go to Part F.

F. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS – KATHLEEN MACHADO

1. With respect to Kathleen Machado, was Fr. Francis Arakal or Fr. Joseph Illo's conduct outrageous?

Fr. Francis Arakal? _____ YES X NO

Fr. Joseph Illo? _____ YES X NO

If your answer to question 1 is YES to either defendant, then answer question 2 for that defendant. If you answered NO for both defendants, stop here, go to Part G.

2(a). Did Fr. Francis Arakal or Fr. Joseph Illo intend to cause Kathleen Machado emotional distress?

Fr. Francis Arakal? _____ YES _____ NO

Fr. Joseph Illo? _____ YES _____ NO

2(b) Did Fr. Francis Arakal or Fr. Joseph Illo act with reckless disregard of the probability that Kathleen Machado would suffer emotional distress, knowing that Kathleen Machado was present when the conduct occurred?

Fr. Francis Arakal? _____ YES _____ NO

Fr. Joseph Illo? _____ YES _____ NO

If your answer to question 2(a) or 2(b) is YES for either defendant, then answer question 3 for that defendant. If you answered NO to each question in 2(a) and 2(b), stop here, and go to Part F.

3. Did Kathleen Machado suffer severe emotional distress?

_____ YES _____ NO

If your answer to question 3 is YES, then answer question 4. If you answered NO, go to Part F.

4. Was Fr. Francis Arakal or Fr. Joseph Illo's conduct a substantial factor in causing Kathleen Machado's severe emotional distress?

Fr. Francis Arakal? _____ YES _____ NO

Fr. Joseph Illo? _____ YES _____ NO

If your answer to question 4 is YES for either defendant, then answer question 5 for the defendant for whom you answered YES. If you answered NO for both defendants, stop here and go to Part G.

5. Did any of the following ratify the conduct of Fr. Francis Arakal /Fr. Joseph Illo?

	YES	NO
Bishop Steven Blaire	_____	_____
Monsignor Richard Ryan	_____	_____
Diocese of Stockton	_____	_____

Go to Question 6.

6(a). Was the conduct of Fr. Francis Arakal undertaken as the agent of:

Roman Catholic Bishop of Stockton, a corporation sole

_____ YES _____ NO

Bishop Stephen Blaire

_____ YES _____ NO

Monsignor Richard Ryan

_____ YES _____ NO

6(b). Was the conduct of Fr. Joseph Illo undertaken as the agent of:

Roman Catholic Bishop of Stockton, a corporation sole

_____ YES _____ NO

Bishop Stephen Blaire

_____ YES _____ NO

Monsignor Richard Ryan

_____ YES _____ NO

If your answer to question either 6 (a) or 6 (b) is YES, then answer question 7 question 7 with respect to such defendant. If you answered NO, stop here, go to Part G.

7. As to any defendant for whom you answered YES as to question 6, was that defendant acting within the scope of his agency when he undertook the conduct toward Kathleen Machado?

Fr. Francis Arakal _____ YES _____ NO

Fr. Joseph Illo _____ YES _____ NO

PUNITIVE DAMAGES

8. Has Kathleen Machado proved by clear and convincing evidence that Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, or Bishop Steven Blaire acted with malice, oppression, or fraud?

As to Fr. Joseph Illo:

_____ YES _____ NO

As to Fr. Francis Arakal:

_____ YES _____ NO

As to Msgr. Richard Ryan:

_____ YES _____ NO

As to Bishop Steven Blaire:

_____ YES _____ NO

Go to Part G.

G. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS – RACHEL LOMAS

With respect to Rachel Lomas:

1. Was Fr. Joseph Illo negligent?

_____ YES _____ X NO

Was Fr. Francis Arakal negligent?

_____ YES _____ X NO

Was Msgr Richard Ryan negligent?

_____ YES _____ X NO

Was Bishop Steven Blaire negligent?

_____ YES _____ X NO

If you answered YES in any part of question 1, then answer question 2. If you answered NO to all parts of question 1, stop here, go to Part H.

2. For each defendant that received a "YES" answer in question 1, answer the following:

Was Fr. Joseph Illo's negligence a substantial factor in causing harm to Rachel Lomas?

_____ YES _____ NO

Was Fr. Francis Arakal's negligence a substantial factor in causing harm to Rachel Lomas?

_____ YES _____ NO

Was Msgr Richard Ryan's negligence a substantial factor in causing harm to Rachel Lomas?

_____ YES _____ NO

Was Bishop Steven Blaire's negligence a substantial factor in causing harm to Rachel Lomas?

_____ YES _____ NO

If you answered YES in any part of question 2 with respect to one or more of the defendants, then answer question 3 as to that/those defendants. If you answered NO regarding all persons in question 2, then insert the number zero next to their names in question 3 and answer question 3.

3. What percentage of responsibility for Rachel's harm do you assign to the following? Insert a percentage for only those who received "YES" answers in question 2:

Fr. Joseph Illo: _____ %

Fr. Francis Arakal: _____ %

Monsignor Richard Ryan: _____ %

Bishop Steven Blaire: _____ %

TOTAL 100 %

4. Did any of the following ratify the conduct of Fr. Francis Arakal or Fr. Joseph Illo?

	YES	NO
Bishop Steven Blaire	_____	_____
Monsignor Richard Ryan	_____	_____
Diocese of Stockton	_____	_____

Go to Question 5.

5(a). Was the conduct of Fr. Francis Arakal undertaken as the agent of:

Roman Catholic Bishop of Stockton, a corporation sole

_____ YES _____ NO

Bishop Stephen Blaire

_____ YES _____ NO

Monsignor Richard Ryan

_____ YES _____ NO

5(b). Was the conduct of Fr. Joseph Illo undertaken as the agent of:

Roman Catholic Bishop of Stockton, a corporation sole

_____ YES _____ NO

Bishop Stephen Blaire

_____ YES _____ NO

Monsignor Richard Ryan

_____ YES _____ NO

If your answer to question either 5(a) or 5(b) is YES, then answer question 6. If you answered NO to both, stop here, go to Part H.

6. Was either Fr. Francis Arakal or Fr. Joseph Illo acting within the scope of his agency when he undertook the conduct toward Rachel Lomas?

Fr. Francis Arakal _____ YES _____ NO

Fr. Joseph Illo _____ YES _____ NO

Go to H

H. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS – AMBER LOMAS

With respect to Amber Lomas:

1. Was Fr. Joseph Illo negligent?

 X YES _____ NO

Was Fr. Francis Arakal negligent?

 X YES _____ NO

Was Msgr Richard Ryan negligent?

 X YES _____ NO

Was Bishop Steven Blaire negligent?

 X YES _____ NO

If you answered YES in any part of question 1, then answer question 2. If you answered NO to all parts of question 1, stop here, go to Part I.

2. For each defendant that received a "YES" answer in question 1, answer the following:

Was Fr. Joseph Illo's negligence a substantial factor in causing harm to Amber Lomas?

 X YES _____ NO

Was Fr. Francis Arakal's negligence a substantial factor in causing harm to Amber Lomas?

YES NO

Was Msgr Richard Ryan's negligence a substantial factor in causing harm to Amber Lomas?

YES NO

Was Bishop Steven Blaire's negligence a substantial factor in causing harm to Amber Lomas?

YES NO

If you answered YES in any part of question 2 with respect to one or more of the defendants, then answer question 3 as to that/those defendants. If you answered NO regarding all persons in question 2, then insert the number zero next to their names in question 3 and answer question 3.

3. What percentage of responsibility for Amber Lomas's harm do you assign to the following? Insert a percentage for only those who received "YES" answers in question 2:

Fr. Joseph Illo: 60 %

Fr. Francis Arakal: 40 %

Monsignor Richard Ryan: _____ %

Bishop Steven Blaire: _____ %

TOTAL 100 %

4. Did any of the following ratify the conduct of Fr. Francis Arakal or Fr. Joseph Illo?

	YES	NO
Bishop Steven Blaire	_____	<input checked="" type="checkbox"/>
Monsignor Richard Ryan	_____	<input checked="" type="checkbox"/>
Diocese of Stockton	_____	<input checked="" type="checkbox"/>

Go to Question 5.

5 (a). Was the conduct of Fr. Francis Arakal undertaken as the agent of:

Roman Catholic Bishop of Stockton, a corporation sole

X YES _____ NO

Bishop Stephen Blaire

X YES _____ NO

Monsignor Richard Ryan

X YES _____ NO

5(b). Was the conduct of Fr. Joseph Illo undertaken as the agent of:

Roman Catholic Bishop of Stockton, a corporation sole

X YES _____ NO

Bishop Stephen Blaire

X YES _____ NO

Monsignor Richard Ryan

X YES _____ NO

If your answer to question either 5 (a) or 5(b) is YES, then answer question 6. If you answered NO to both, stop here, go to Part I.

6. Was either Fr. Francis Arakal or Fr. Joseph Illo acting within the scope of his agency when he undertook the conduct toward Amber Lomas?

Fr. Francis Arakal X YES _____ NO

Fr. Joseph Illo X YES _____ NO

Go to I

I. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS – KATHLEEN MACHADO

With respect to Kathleen Machado:

1. Was Fr. Joseph Illo negligent?

_____ YES X NO

Was Fr. Francis Arakal negligent?

_____ YES X NO

Was Msgr Richard Ryan negligent?

_____ YES X NO

Was Bishop Steven Blaire negligent?

_____ YES X NO

If you answered YES in any part of question 1, then answer question 2. If you answered NO to all parts of question 1, stop here, go to Part J.

2. For each defendant that received a "YES" answer in question 1, answer the following:

Was Fr. Joseph Illo's negligence a substantial factor in causing harm to Kathleen Machado?

_____ YES _____ NO

Was Fr. Francis Arakal's negligence a substantial factor in causing harm to Kathleen Machado?

_____ YES _____ NO

Was Msgr Richard Ryan's negligence a substantial factor in causing harm to Kathleen Machado?

_____ YES _____ NO

Was Bishop Steven Blaire's negligence a substantial factor in causing harm to Kathleen Machado?

_____ YES _____ NO

If you answered YES in any part of question 2 with respect to one or more of the defendants, then answer question 3 as to that/those defendants. If you answered NO regarding all persons in question 2, then insert the number zero next to their names in question 3 and answer question 3.

3. What percentage of responsibility for Kathleen Machado harm do you assign to the following? Insert a percentage for only those who received "YES" answers in question 2:

Fr. Joseph Illo:	_____ %
Fr. Francis Arakal:	_____ %
Monsignor Richard Ryan:	_____ %
Bishop Steven Blaire:	_____ %
TOTAL	100 %

4. Did any of the following ratify the conduct of Fr. Francis Arakal or Fr. Joseph Illo?

	YES	NO
Bishop Steven Blaire	_____	_____
Monsignor Richard Ryan	_____	_____
Diocese of Stockton	_____	_____

Go to Question 5.

5(a). Was the conduct of Fr. Francis Arakal undertaken as the agent of:

Roman Catholic Bishop of Stockton, a corporation sole

_____ YES _____ NO

Bishop Stephen Blaire

_____ YES _____ NO

Monsignor Richard Ryan

_____ YES _____ NO

5(b). Was the conduct of Fr. Joseph Illo undertaken as the agent of:

Roman Catholic Bishop of Stockton, a corporation sole

_____ YES _____ NO

Bishop Stephen Blaire

_____ YES _____ NO

Monsignor Richard Ryan

_____ YES _____ NO

If your answer to question either 5(a) or 5(b) is YES, then answer question question 6. If you answered NO to both, stop here, go to Part J.

6. Was Fr. Francis Arakal or Fr. Joseph Illo acting within the scope of his agency when he undertook the conduct toward Kathleen Machado?

Fr. Francis Arakal _____ YES _____ NO

Fr. Joseph Illo _____ YES _____ NO

Go to J

J. DEFAMATION PER SE – KATHLEEN MACHADO.

1. Did Fr. Joseph Illo make one or more of the following statement(s) to a person or persons other than Kathleen Machado?

“All your mother wants is to have sex with me.”

YES _____ NO

“Kathleen Machado is stalking me.”

_____ YES NO

If your answer to question 1 is YES, then answer question 2 for the defendant for whom you gave a YES answer. If you answered NO, stop here, go to Part K.

2. Did the people to whom the statements were made reasonably understand that the statement(s) were about Kathleen Machado?

"All your mother wants is to have sex with me."

YES NO

"Kathleen Machado is stalking me" ..

YES NO

If your answer to question 2 is YES as to any statement, then answer question 3. If you answered NO to all statements, stop here, and go to Part K.

3. Did these people reasonably understand the statement(s) to mean that Kathleen Machado was an unchaste woman or had committed a crime?

Unchaste woman?

YES NO

Committed a crime?

YES NO

If your answer to question 3 is YES in any respect, then answer question 4 for the statement(s) for which you answered YES. If you answered NO to all, stop here and go to Part K.

4. Did Fr. Joseph Illo fail to use reasonable care to determine the truth or falsity of the statement(s)?

"All your mother wants is to have sex with me."

YES NO

"Kathleen Machado is stalking me" ..

YES NO

If your answer to any part of question 4 is YES, then answer question 5. If you answered NO, stop here, and go to Part ~~J~~

K

ACTUAL DAMAGES

5. What are Kathleen Machado's actual damages?

a. Past Noneconomic loss including shame, mortification, or hurt feelings, and harm to Kathleen Machado's reputation.

As to Fr. Joseph Illo:

\$ _____

B. Future Noneconomic loss including shame, mortification, or hurt feelings, and harm to Kathleen Machado's reputation

As to Fr. Joseph Illo:

\$ _____

TOTAL \$ _____

If Kathleen Machado has Not proved any actual damages, then answer question 6.

If Kathleen Machado has proved any actual damages, skip question 6 and answer question 7.

ASSUMED DAMAGES TO REPUTATION

6. What are the damages you award Kathleen Machado for the assumed harm to her reputation? You must award at least a nominal sum.

As to Fr. Joseph Illo:

\$ _____

As to Fr. Joseph Illo:

\$ _____

Regardless of your answer to question 6, answer question 7.

PUNITIVE DAMAGES

7. Has Kathleen Machado proved by clear and convincing evidence that Fr. Joseph Illo acted with malice, oppression, or fraud?

As to Fr. Joseph Illo:

_____ YES _____ NO

K. DAMAGES

If you found in favor of Rachel Lomas, Amber Lomas, or Kathleen Machado on any cause of action, please answer the following. Otherwise, have the foreperson sign and date this form.

1. What are Rachel Lomas's total damages? Do not reduce the damages based on the fault, if any, of others.

- a. Past economic loss, including medical expenses]: \$ _____
 - b. Future economic loss, including medical expenses: \$ _____
 - c. Past Noneconomic loss, including physical pain, mental suffering: \$ _____
 - d. Future Noneconomic loss, including physical pain, mental suffering: \$ _____
- TOTAL \$ 0

2. What are Amber Lomas's total damages? Do not reduce the damages based on the fault, if any, of others.

- a. Past economic loss, including medical expenses]: \$ 0
 - b. Future economic loss, including medical expenses: \$ 20,000
 - c. Past noneconomic loss, including physical pain, mental suffering: \$ 0
 - d. Future noneconomic loss, including physical pain, mental suffering: \$ 0
- TOTAL \$ 20,000

3. What are Kathleen Machado's total damages, not including the damages awarded for defamation, if any? Do not reduce the damages based on the fault, if any, of others.

a. Past noneconomic loss, including physical pain, mental suffering: \$ _____

b. Future noneconomic loss, including physical pain, mental suffering: \$ _____

TOTAL (excluding defamation) \$ _____

+ DEFAMATION DAMAGES \$ _____

TOTAL DAMAGES FOR KATHLEEN MACHADO \$ 0 _____

Dated: 03/25/05

Foreperson

Filed MAR 25 2005
ROSA JUNGUERRE, CLERK
By Charlene Gray
DEPUTY

SUPERIOR COURT, COUNTY OF SAN JOAQUIN

KATHLEEN MACHADO, et al
Plaintiff

Case No. CV018440

vs

Dept. 41

FR. JOSEPH ILLO, et al
Defendants

JURY QUESTION:

Please clarify and restate question
See, section H.

Roman Catholic Bishop of Stockton is the same
as the Roman Catholic Diocese of Stockton.

If this is not sufficient to answer your question
please clarify what about the question is unclear.

Date: 03/25/05 Time: 2:00pm

PRESIDING JUROR



Filed MAR 25 2005
ROSA JUNQUEIRO, CLERK
By Charlene Gray
DEPUTY

SUPERIOR COURT, COUNTY OF SAN JOAQUIN

KATHLEEN MACHADO, et al
Plaintiff

Case No. CV018440

vs

Dept. 41

FR. JOSEPH ILLIO, et al
Defendants

JURY QUESTION:

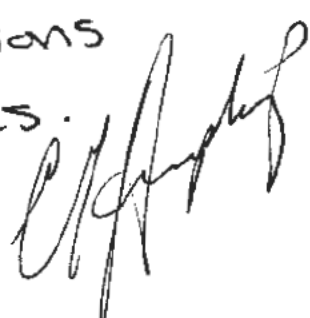
Please highlight the

~~Is there a~~ differences between

"agent" and "managing agent"?

Please

Compare page 41 of the instructions
with page 59 A of the instructions.



Date: 03/25/05

Time: 2:20pm

PRESIDING JUROR

Filed MAR 25 2005
ROSA JUNQUEIRO, CLERK
By Charles Gray
DEPUTY

SUPERIOR COURT, COUNTY OF SAN JOAQUIN

KATHLEEN MACHADO, et al
Plaintiff

Case No. CV018440

vs

Dept. 41

FR. JOSEPH ILLO, et al
Defendants _____

JURY QUESTION:

At the bottom of page 23,
are we to proceed to ~~part H~~ part H
or part K?

"K" *EA*

Date: 3/25/05

Time: 4:20 pm

PRESIDING JUROR

Filed MAR 25 2005
ROSA JUNQUEIRO, CLERK
By Charlene Hony
DEPUTY

SUPERIOR COURT, COUNTY OF SAN JOAQUIN

KATHLEEN MACHADO, et al
Plaintiff

Case No. CV018440

vs

Dept. 41

FR. JOSEPH ILLO, et al
Defendants _____/

JURY QUESTION:

We have reached a verdict

Date: 03/25/05 Time: 4:50 pm

PRESIDING JUROR

Filed MAR 28 2005
ROSA JUNQUEIRO, CLERK
By Charlene Gray
DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

KATHLEEN MACHADO, et al
Plaintiffs

vs

FR. JOSEPH ILLLO, et al
Defendants

Case # CV018440

Dept. 41

**JURY INSTRUCTIONS GIVEN
(sanitized)**

Elizabeth Humphreys
Judge of the Superior Court

A corporation, Roman Catholic Diocese of Stockton, is a party in this lawsuit. Roman Catholic Diocese of Stockton is entitled to the same fair and impartial treatment that you would give to an individual. You must decide this case with the same fairness that you would use if you were deciding the case between individuals.

When I use words like "person" or "he" or "she" in these instructions to refer to a party, those instructions also apply to Roman Catholic Diocese of Stockton.

Defendants' request for comment by judge at the reading of page 6 of the instruction.

In that regard, I would like to clarify for you that the **Roman Catholic Bishop of Stockton, a corporation sole** is the defendant in this case. The Catholic Church is not a defendant in this case.

When I tell you that a party must prove something, I mean that the party must persuade you, by the evidence presented in court, that what he or she is trying to prove is more likely to be true than not true. This is sometimes referred to as "the burden of proof."

After weighing all of the evidence, if you cannot decide whether a party has satisfied the burden of proof, you must conclude that the party did not prove that fact. You should consider all the evidence that applies to that fact, no matter which party produced the evidence.

In criminal trials, the prosecution must prove facts showing that the defendant is guilty beyond a reasonable doubt. But in civil trials, such as this one, the party who is required to prove a fact need only prove that the fact is more likely to be true than not true.

Certain facts must be proved by clear and convincing evidence, which is a higher burden of proof. This means the party must persuade you that it is highly probable that the fact is true. I will tell you specifically which facts must be proved by clear and convincing evidence.

Evidence can come in many forms. It can be testimony about what someone saw or heard or smelled. It can be an exhibit admitted into evidence. It can be someone's opinion.

Some evidence proves a fact directly, such as testimony of a witness who saw a jet plane flying across the sky. Some evidence proves a fact indirectly, such as testimony of a witness who saw only the white trail that jet planes often leave. This indirect evidence is sometimes referred to as "circumstantial evidence." In either instance, the witness's testimony is evidence that a jet plane flew across the sky.

As far as the law is concerned, it makes no difference whether evidence is direct or indirect. You may choose to believe or disbelieve either kind. Whether it is direct or indirect, you should give every piece of evidence whatever weight you think it deserves.

You may consider the ability of each party to provide evidence. If a party provided weaker evidence when it could have provided stronger evidence, you may distrust the weaker evidence.

You may consider whether a party failed to explain or deny some unfavorable evidence. Failure to explain or to deny unfavorable evidence may suggest that the evidence is true.

During the trial, I explained to you that certain evidence was admitted for a limited purpose. You may consider that evidence only for the limited purpose that I described, and not for any other purpose.

During the trial, I explained that certain evidence could be considered as to one or more parties but not to every party. You may not consider that evidence as to any other party.

During the trial, you heard testimony read from a deposition. A deposition is the testimony of a person taken before trial. At a deposition the person is sworn to tell the truth and is questioned by the attorneys. You must consider the deposition testimony that was read to you in the same way as you consider testimony given in court.

A party may offer into evidence any oral or written statement made by an opposing party outside the courtroom.

When you evaluate evidence of such a statement, you must consider these questions:

1. Do you believe that the party actually made the statement? If you do not believe that the party made the statement, you may not consider the statement at all.

2. If you believe that the statement was made, do you believe it was reported accurately?

You should view testimony about an oral statement made by a party outside the courtroom with caution.

People have a legal right not to disclose what they told their attorney in confidence because the law considers this information privileged. People may exercise this privilege freely and without fear of penalty.

You must not use the fact that a witness exercised this privilege to decide whether he or she should be believed. Indeed, you must not let it affect any of your decisions in this case.

During the trial you heard testimony from expert witnesses. The law allows an expert to state opinions about matters in his or her field of expertise even if he or she has not witnessed any of the events involved in the trial.

You do not have to accept an expert's opinion. As with any other witness, it is up to you to decide whether you believe the expert's testimony and choose to use it as a basis for your decision. You may believe all, part, or none of an expert's testimony. In deciding whether to believe an expert's testimony, you should consider:

1. The expert's training and experience;
2. The facts the expert relied on; and
3. The reasons for the expert's opinion.

The law allows expert witnesses to be asked questions that are based on assumed facts. These are sometimes called "hypothetical questions."

In determining the weight to give to the expert's opinion that is based on the assumed facts, you should consider whether the assumed facts are true.

Kathleen Machado, Rachel Lomas, and Amber Lomas claim that they were harmed by Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, Bishop Steven Blaire, and the Diocese of Stockton's negligence. To establish this claim, Kathleen Machado, Rachel Lomas, and/or Amber Lomas must prove all of the following:

1. That Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton' was negligent;
2. That Kathleen Machado, Rachel Lomas, and/or Amber Lomas were harmed; and
3. That Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton' negligence was a substantial factor in causing Kathleen Machado, Rachel Lomas, and/or Amber Lomas's harm.

Just because Kathleen Machado, Rachel Lomas, and/or Amber Lomas were harmed does not, by itself, mean that Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton are legally responsible for the harm.

Negligence is the failure to use reasonable care to prevent harm to oneself or to others.

A person can be negligent by acting or by failing to act. A person is negligent if he or she does something that a reasonably careful person would not do in the same situation or fails to do something that a reasonably careful person would do in the same situation.

You must decide how a reasonably careful person would have acted in Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, Bishop Steven Blaire and the Diocese of Stockton's situation.

More than one person's negligence or fault may have been a substantial factor in causing plaintiffs' harm. If so, you must decide how much responsibility each person has by determining, on a percentage basis, the extent to which his or her negligence or fault contributed to causing the harm.

Every person has a right to expect that every other person will use reasonable care and will not violate the law, unless he or she knows, or should know, that the other person will not use reasonable care or will violate the law.

An adult must anticipate the ordinary reactions of children. An adult must be more careful when dealing with children than with other adults.

A substantial factor in causing harm is a factor that a reasonable person would consider to have contributed to the harm. It must be more than a remote or trivial factor. It does not have to be the only cause of the harm.

You may decide that more than one of the defendants was negligent, but that the negligence of only one of them could have actually caused a plaintiff's harm. If you cannot decide which defendant caused a plaintiff's harm, you must decide that each defendant is responsible for the harm.

However, if a defendant proves that he or it did not cause a plaintiff's harm, then you must conclude that defendant is not responsible.

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3 Kathleen Machado, Amber Lomas, and Rachel Lomas claim that Fr. Joseph Illo, Fr. Francis
4 Joseph, Msg. Richard Ryan, Bishop Steven Blaire, and The Roman Catholic Bishop of Stockton's
5 conduct caused them to suffer serious emotional distress. To establish this claim, Kathleen
6 Machado, Amber Lomas, and Rachel Lomas must prove all of the following:

7 1. That Fr. Joseph Illo, Fr. Francis Joseph, Msg. Richard Ryan, Bishop Steven Blaire, and
8 The Roman Catholic Bishop of Stockton were negligent;

9 2. That Kathleen Machado, Amber Lomas, and Rachel Lomas suffered serious emotional
10 distress; and

11 3. That Fr. Joseph Illo, Fr. Francis Joseph, Msg. Richard Ryan, Bishop Steven Blaire, and
12 The Roman Catholic Bishop of Stockton's negligence was a substantial factor in causing Kathleen
13 Machado, Amber Lomas, and Rachel Lomas's serious emotional distress.

14 Emotional distress includes suffering, anguish, fright, horror, nervousness, grief, anxiety, worry,
15 shock, humiliation, and shame. Serious emotional distress exists if an ordinary, reasonable person
16 would be unable to cope with it.

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Rachel Lomas and Amber Lomas claim that Fr. Francis Arakal committed a battery.

To establish this claim, Rachel Lomas, and/or Amber Lomas must prove all of the following:

1. That Fr. Francis Arakal touched Rachel Lomas and/or Amber Lomas with the intent to harm or offend them;
2. That Rachel Lomas and/or Amber Lomas did not consent to the touching; and
3. Rachel Lomas and/or Amber Lomas was harmed or offended by Fr. Francis Arakal's conduct; and
4. That a reasonable person in Rachel Lomas and/or Amber Lomas's situation would have been offended by the touching.

The plaintiff Rachel Lomas, also seeks to recover damages based upon a claim of sexual battery.

The essential elements of a claim for sexual battery are:

1. Defendant Father Francis Arakal did an act that results directly or indirectly in a sexually offensive contact with the plaintiff's person;
2. Defendant Father Francis Arakal did so with the intent to cause a harmful or offensive contact with an intimate part of another or to cause plaintiff an imminent apprehension of a harmful or offensive contact with plaintiffs' intimate part;
3. Plaintiff did not consent to the harmful or offensive contact; and
4. The harmful or offensive contact caused plaintiff to suffer injury, damage, loss, or harm.

"Intimate part" means the groin or the breast of a female.

"Offensive contact" means contact that offends a reasonable sense of personal dignity.

A plaintiff may express consent by words or acts that are reasonably understood by another person as consent.

A plaintiff may also express consent by silence or inaction if a reasonable person would understand that the silence or inaction intended to indicate consent.

Rachel Lomas, and Amber Lomas claim that any consent, if you find that they consented was obtained by mistake, duress, was obtained as a result of their incapacity, or that Fr. Francis Arakal's conduct went beyond the scope of their limited consent.

If Rachel Lomas and/or Amber Lomas proves that their consent was obtained by mistake, duress, was obtained as a result of their incapacity, or that Fr. Francis Arakal's conduct went beyond the scope of their limited consent, then you must find that they did not consent.

Fr. Joseph Ilio, Fr. Francis Arakal, Msgr. Richard Ryan, and/or Bishop Steven Blaire acted intentionally if they intended to commit a battery, commit a sexual battery, and/or inflict emotional distress on plaintiffs, or any of them, or if they were substantially certain that the battery, sexual battery, or infliction of emotional distress would result from their conduct.

Kathleen Machado, Rachel Lomas, and Amber Lomas claim that Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton's conduct caused them to suffer severe emotional distress. To establish this claim, Kathleen Machado, Rachel Lomas, and/or Amber Lomas must prove all of the following:

1. That some or all defendants' (Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton's) conduct was outrageous;

2. That some or all defendants (Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton) intended to cause Kathleen Machado, Rachel Lomas, and/or Amber Lomas emotional distress;

or

That some or all defendants (Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton) acted with reckless disregard of the probability that Kathleen Machado, Rachel Lomas, and/or Amber Lomas would suffer emotional distress, knowing that Kathleen Machado, Rachel Lomas, and/or Amber Lomas was present when the conduct occurred;

3. That Kathleen Machado, Rachel Lomas, and/or Amber Lomas suffered severe emotional distress; and

4. That some or all defendants' (Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton's) conduct was a substantial factor in causing Kathleen Machado, Rachel Lomas, and/or Amber Lomas's severe emotional distress.

"Outrageous conduct" is conduct so extreme that it goes beyond all possible bounds of decency. Conduct is outrageous if a reasonable person would regard the conduct as intolerable in a civilized community. Outrageous conduct does not include trivialities such as indignities, annoyances, hurt feelings, or bad manners that a reasonable person is expected to endure.

In deciding whether Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton's conduct was outrageous, you may consider, among other factors, the following:

(a) Whether Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton's abused a position of authority or a relationship that gave him or it real or apparent power to affect Kathleen Machado, Rachel Lomas, and/or Amber Lomas's interests;

(b) Whether Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton knew that Kathleen Machado, Rachel Lomas, and Amber Lomas was particularly vulnerable to emotional distress; and

(c) Whether Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton knew that their conduct would likely result in harm due to mental distress.

Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton acted with reckless disregard in causing Kathleen Machado, Rachel Lomas, and/or Amber Lomas emotional distress if:

1. Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton knew that emotional distress would probably result from their conduct; or

2. Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton gave little or no thought to the probable effects of their conduct.

Emotional distress includes suffering, anguish, fright, horror, nervousness, grief, anxiety, worry, shock, humiliation, and shame.

"Severe emotional distress" is not mild or brief; it must be so substantial or long lasting that no reasonable person in a civilized society should be expected to bear it. Kathleen Machado, Rachel Lomas, and/or Amber Lomas are not required to prove physical injury to recover damages for severe emotional distress.

Kathleen Machado claims that Fr. Joseph Illo _____ harmed her by making one or more of the following statement(s): 1. That all she wanted was to have sex with Fr. Illo

3. That she was stalking Fr. Illo.

To establish this claim, Kathleen Machado must prove all of the following:

Liability

1. That Fr. Joseph Illo _____ made one or more of the statements to a person other than Kathleen Machado;

2. That this person reasonably understood that the statements were about Kathleen Machado;

3. That this person reasonably understood the statement(s) to mean that Kathleen Machado was an unchaste woman, that Kathleen Machado suffers from a loathsome disease, and/or that Kathleen Machado had committed a crime;

4. That Fr. Joseph Illo _____ failed to use reasonable care to determine the truth or falsity of the statement(s).

Nominal damages

If Kathleen Machado has proved all of the above, the law assumes that her reputation has been harmed. Without further evidence of damage, Kathleen Machado is entitled to a nominal sum such as one dollar or such greater sum as you believe is proper for the assumed harm to her reputation under the circumstances of this case.

Actual damages

Kathleen Machado is also entitled to recover if she proves that Fr. Joseph Illo

_____ wrongful conduct was a substantial factor in causing any of the following actual damages:

- a. Harm to Kathleen Machado's property, business, trade, profession, or occupation;
- b. Expenses Kathleen Machado had to pay as a result of the defamatory statements;
- c. Harm to Kathleen Machado's reputation in addition to that assumed by the law; or
- d. Shame, mortification, or hurt feelings.

Punitive damages

Kathleen Machado may also recover damages to punish Fr. Joseph Illo if she proves by clear and convincing evidence that Fr. Joseph Illo acted with malice, oppression, or fraud.

"Malice" means that Fr. Joseph Illo acted with intent to cause injury or that their conduct was despicable and was done with a willful and knowing disregard of the rights or safety of another. A person acts with knowing disregard when he or she is aware of the probable dangerous consequences of his or her conduct and deliberately fails to avoid those consequences.

"Oppression" means that Fr. Joseph Illo's conduct was despicable and subjected Kathleen Machado to cruel and unjust hardship in knowing disregard of their rights.

"Despicable conduct" is conduct that is so mean, vile, base, or contemptible that it would be looked down on and despised by reasonable people.

"Fraud" means that Fr. Joseph Illo intentionally misrepresented or concealed a material fact and did so intending to deprive Kathleen Machado of property or of a legal right or otherwise to cause her injury.

The word "statement" in these instructions refers to any form of communication or representation, including spoken or written words.

For Kathleen Machado to recover, Fr. Joseph Illo and/or ~~Fr. Francis Arakal's~~ statement(s) must have been statements of fact, not opinion. A statement of fact is a statement that can be proved to be true or false. An opinion may be considered a statement of fact if the opinion suggests that facts exist.

In deciding this issue, you should consider whether the average listener would conclude from the language of the statement and its context that Fr. Joseph Illo and/or ~~Fr. Francis Arakal~~ was making a statement of fact.

Fr. Joseph Illo is not responsible for Kathleen Machado's harm , if any, if he proves that his statements about Kathleen Machado were true. Fr. Joseph Illo does not have to prove that the statements were true in every detail, so long as the statements were substantially true.

Kathleen Machado, Rachel Lomas, and Amber Lomas claim that they were harmed by Mary Mullins, Rosario Hernandez, Jackie Tucker, and/or Owen Kummerle's intentional infliction of emotional distress, and that some or all defendants (Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton) are responsible for the harm because they were part of a conspiracy to commit intentional infliction of emotional distress. A conspiracy is an agreement by two or more persons to commit a wrongful act. Such an agreement may be made orally or in writing or may be implied by the conduct of the parties.

If you find that Mary Mullins, Rosario Hernandez, Jackie Tucker, and/or Owen Kummerle committed intentional infliction of emotional distress that harmed Kathleen Machado, Rachel Lomas, and/or Amber Lomas, then you must determine whether some or all defendants (Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton) is also responsible for the harm. Some or all defendants (Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton) is responsible if Kathleen Machado, Rachel Lomas, and/or Amber Lomas proves both of the following:

1. That some or all defendants (Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton) were aware that Mary Mullins, Rosario Hernandez, Jackie Tucker, and/or Owen Kummerle and others planned to commit intentional infliction of emotional distress.; and

2. That some or all defendants (Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton) agreed with Mary Mullins, Rosario Hernandez, Jackie Tucker, and/or Owen Kummerle and others and intended that the intentional infliction of emotional distress. be committed.

Mere knowledge of a wrongful act without cooperation or an agreement to cooperate is insufficient to make Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton responsible for the harm.

A conspiracy may be inferred from circumstances, including the nature of the acts done, the

relationships between the parties, and the interests of the alleged co-conspirators.

Kathleen Machado, Rachel Lomas, and/or Amber Lomas is not required to prove that Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton personally committed a wrongful act or that they knew all the details of the agreement or the identities of all the other participants.

If you decide that Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton joined the conspiracy to commit intentional infliction of emotional distress, then he or it is responsible for all acts done as part of the conspiracy, whether the acts occurred before or after he or it joined the conspiracy.

A person or corporation is responsible for harm caused by the wrongful conduct of his or its employees, agents, or alter egos while acting within the scope of their employment or authority.

Kathleen Machado, Rachel Lomas, and Amber Lomas claim that they were harmed by Fr. Joseph Illo and Fr. Francis Arakal's battery, intentional infliction of emotional distress, and/or negligence.

Kathleen Machado, Rachel Lomas, and Amber Lomas also claim that Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton is responsible for the harm because Fr. Joseph Illo and/or Fr. Francis Arakal were acting as their agent when the incident occurred.

If you find that Fr. Joseph Illo and/or Fr. Francis Arakal's battery, intentional infliction of emotional distress, and/or negligence harmed Kathleen Machado, Rachel Lomas, and/or Amber Lomas, then you must decide whether Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton is responsible for the harm. Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton is responsible if Kathleen Machado, Rachel Lomas, and Amber Lomas prove the following:

1. That Fr. Joseph Illo and/or Fr. Francis Arakal was Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton's agent; and
2. That Fr. Joseph Illo and/or Fr. Francis Arakal was acting within the scope of their agency when they harmed Kathleen Machado, Rachel Lomas, and Amber Lomas.

In this case Monsignor Richard Ryan was the alter ego of Bishop Stephen Blaire. Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, and Bishop Steven Blaire were the agents or employees of the Diocese of Stockton.

If you find that Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan and/or Bishop Steven Blaire was acting within the scope of his employment, agency, or alter ego relationship when the incident occurred, then Steven Blaire, with respect to the conduct of Monsignor Ryan, and the Diocese of Stockton with respect to the conduct of Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, and/or Bishop Steven Blaire, is responsible for any harm caused by Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, and/or Bishop Steven Blaire's negligence, defamation, and/or intentional and/or negligent infliction of emotional distress.

Kathleen Machado, Rachel Lomas, and Amber Lomas claim that Fr. Joseph Illo, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton are responsible for the harm caused by Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, and/or Bishop Steven Blaire's conduct because they approved that conduct after it occurred. If you find that Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, and/or Bishop Steven Blaire harmed Kathleen Machado, Rachel Lomas, and/or Amber Lomas, you must decide whether Fr. Joseph Illo, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton approved that conduct. To establish their claim, Kathleen Machado, Rachel Lomas, and/or Amber Lomas must prove all of the following:

1. That Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, and/or Bishop Steven Blaire intended to act on behalf of Fr. Joseph Illo, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton;

2. That Fr. Joseph Illo, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton learned of Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, Bishop Steven Blaire's conduct after it occurred; and

3. That Fr. Joseph Illo, Msgr. Richard Ryan, Bishop Steven Blaire, and/or the Diocese of Stockton approved Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, and/or Bishop Steven Blaire's conduct.

Approval can be shown through words, or it can be inferred from a person's conduct. Approval can be inferred if a person voluntarily keeps the benefits of their representative or employee's unauthorized conduct after they learns of the unauthorized conduct.

Kathleen Machado, Rachel Lomas, and Amber Lomas must prove that Fr. Joseph Illo, Fr. Francis Arakal, Msgr. Richard Ryan, and/or Bishop Steven Blaire was acting within the scope of their employment or authorization when Kathleen Machado, Rachel Lomas, and/or Amber Lomas was harmed.

Conduct is within the scope of employment and/or authorization if:

(a) It is reasonably related to the kinds of tasks that the employee or agent was employed to perform; or

(b) It is reasonably foreseeable in light of the employer's business or the agent's or employee's job responsibilities.

Allegations of sexual abuse are not within the scope of employment or agency of a Roman Catholic Priest