

CS
Filed APR 4 2005
ROSA JUNQUEIRO, CLERK
By Charlene Gray
DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNT OF SAN JOAQUIN

Kathleen Machado, et al
Plaintiff(s)

**NOTICE OF ENTRY OF
JUDGMENT**

vs

Fr. Joseph Illo, et al
Defendant(s)

Case No. CV018440

You are notified that a judgment in this cause was entered on April 4, 2005.

By Charlene Gray
Deputy Clerk

ATTORNEYS OF RECORD

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Michael D. Coughlan
ATTORNEY AT LAW
3031 W. March Lane, Suite 210 West
Stockton, CA 95219

Addition addresses attached.

I am a Deputy Clerk of the above entitled Court and not a party to the above entitled action. I served the above **NOTICE OF ENTRY OF JUDGMENT** by depositing a true copy thereof in the United States mail in Stockton, CA on **April 4, 2005** enclosed in a sealed envelope with the postage thereon fully prepaid, addressed to each attorney of record at his respective Post Office address as set forth in this notice.

Charlene Gray
Deputy Clerk

NOTICE OF ENTRY

cs
Filed APR 4 2005
ROSA JUNQUEIRO, CLERK
By Charlene Gray
DEPUTY

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN JOAQUIN**

**Kathleen Machado, et al
Plaintiffs**

Case #CV018440

vs.

**JUDGMENT ON SPECIAL
VERDICT IN OPEN COURT**

**Fr. Joseph Illo, et al
Defendants**

This action came on regularly for Trial. The parties appeared by their attorneys: George MacKoul & Tony Boskovich, Attorneys at Law, on behalf of the Plaintiff Kathleen Machado as an individual and as Guardian ad Litem for Rachel Lomas (hereafter referred to as "Rachel Lomas") and Amber Lomas (hereafter referred to as "Amber Lomas"); Vladimir Kozina, Attorney at Law, on behalf of Defendants Fr. Joseph Illo, Fr. Richard Ryan, Bishop Steven Blaire and the Roman Catholic Bishop of Stockton, a corporation sole; Michael Coughlan, Attorney at Law, on behalf of Defendant Fr. Francis Arakal.

A jury of 12 persons was regularly empaneled and sworn to try said action. Witnesses on the part of the Plaintiffs and Defendants were sworn and examined. The jury heard the evidence and the arguments of counsel. The jurors were given instructions at which time they retired to consider their special verdict. Subsequently the jury returned to the courtroom and rendered the following special verdict:

see copy of the verdict attached.

Based on this verdict, the Court renders Judgment as follows:

Judgment for Plaintiff Amber Lomas against Defendants Fr. Joseph Illo for economic damages in the sum of \$12,000.00 with interest at the rate of 7% per annum from September 11, 2001 in the sum of \$2,734.70 for a total sum of \$14,734.70 and Fr. Francis Arakal for economic damages in the amount of \$8,000.00 with interest at the rate of 7% per annum from September 11, 2001 in the sum of \$1,783.50 for a total sum of \$9,783.50;

that Defendants Fr. Richard Ryan, Bishop Steven Blaire and the Roman Catholic Bishop of Stockton, a corporation sole have judgment that Plaintiff Kathleen Machado, Rachel Lomas and Amber Lomas take nothing;

that Defendants Fr. Joseph Illo and Fr. Francis Arakal have judgment that Kathleen Machado and Rachel Lomas take nothing;

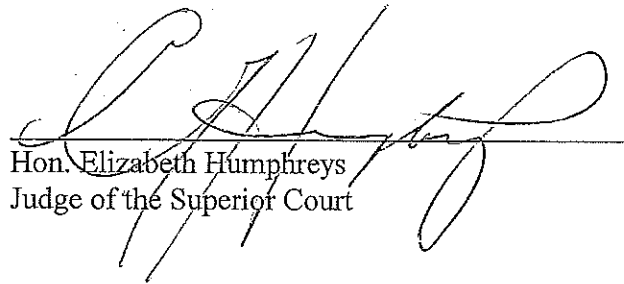
that Plaintiff Amber Lomas recover costs from Defendants Fr. Joseph Illo and Fr. Francis Arakal in the amount of _____;

that Defendants Fr. Richard Ryan, Bishop Steven Blair and the Roman Catholic Bishop of Stockton, a corporation sole, recover costs from Plaintiffs Kathleen Machado, Rachel Lomas and Amber Lomas in the amount of _____;

that Defendants Fr. Joseph Illo and Fr. Francis Arakal recover costs from Plaintiffs Kathleen Machado and Rachel Lomas in the amount of _____.

Costs to be determined by law and entered on the Judgment.

Date: April 4, 2005


Hon. Elizabeth Humphreys
Judge of the Superior Court

6-10-05

Plaintiff Kathleen Machado as guardian ad litem
for Amber gets \$9,348.10. Defendants get \$23,999.54
from Kathleen Machado, individually & as guardian ad
litem for Rachel Lomas.

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? _____ 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 _____ 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 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 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 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

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