

OCT 1 4 2015



SUPERIOR COURT OF THE STATE OF CALIFORNIA COUNTY OF ORANGE - CENTRAL JUSTICE CENTER

DR. ROBERT A. BAIRD, individually and on behalf of ROBERT A. BAIRD, MD., INC.,

Plaintiffs,

VS.

IRVINE ORTHOPAEDIC ASSOCIATES, a California partnership; DR. STEVEN A. BECKER, an individual; DR. NIMISH R. KADAKIA, individually and as the Designated Shareholder of NIMISH RAJ KADAKIA, M.D., INC., a California professional corporation; DR. FLOYD G. SHON, an individual; DR. JON I. WHITE, individually and as the Designated Shareholder of JON I. WHITE, M.D., INC., a California professional corporation;

Defendants.

Case No.: 30-2014-00749070-CU-BC-CJC

Assigned For All Purposes To:

Judicial Officer: Judge Randall J. Sherman

Department: C24

SPECIAL VERDICT FORM

Filing Date: October 6, 2014
Trial Date: September 28, 2015

We answer the questions submitted to us as follows:

Special Verdict Form

Breach of Contract Cause of Action

- 1	DIVINI OF COMMENCE OF TACHOR
2	1. Did Irvine Orthopaedic Associates, Dr. Steven A. Becker, Dr. Floyd G. Shon, Jon I.
3	White, MD, Inc., and/or Nimish Raj Kadakia, MD, Inc. fail to do something the partnership
4	agreement required them to do, or do something that the contract prohibited them from doing?
5	Yes No
6	If your question to question 1 is yes, then answer question 2. If you answered no, then
7	continue to question 6.
8	2. Was Robert A. Baird, MD, Inc. harmed by that failure?
9	YesNo
0	If your question to question 2 is yes, then answer question 3. If you answered no, then
1	continue to question 6.
12	3. What are Robert A. Baird, MD, Inc.'s damages?
13	s 154,340·0°
14	4. Did Robert A. Baird, MD, Inc. make efforts to mitigate its damages?
15	<u>✓</u> YesNo
16	If your response to question 4 is yes, then please proceed to question 6. If you answered
17	no, then please continue to question 5.
18	5. If the response to question 4 above is no, please state the amount of damages
19	Robert A. Baird, MD, Inc. could have avoided by making efforts to mitigate its damages?
20	s N/A
21	Continue to question 6.
22	
23	Breach of the Covenant of Good Faith and Fair Dealing Cause of Action
24	6. Did Robert A. Baird, MD, Inc. and Irvine Orthopaedic Associates, Dr. Steven A.
5	Becker, Dr. Floyd G. Shon, Jon I. White, MD, Inc., and/or Nimish Raj Kadakia, MD, Inc. enter
26	into a contract?
7	<u>√</u> YesNo
28	

1	If your question to question 6 is yes, then answer question 7. If you answered no, then
2	continue to question 12.
3	7. Did Irvine Orthopaedic Associates, Dr. Steven A. Becker, Dr. Floyd G. Shon, Jon I.
4	White, MD, Inc., and/or Nimish Raj Kadakia, MD, Inc. unfairly interfere with Robert A. Baird,
5	MD, Inc.'s right to receive the benefits of the contract?
6	
7	If your question to question 7 is yes, then answer question 8. If you answered no, then
8	continue to question 12.
9	8. Was Robert A. Baird, MD, Inc. harmed by that interference?
10	
11	If your question to question 8 is yes, then answer question 9. If you answered no, then
12	continue to question 12.
13	9. What are Robert A. Baird, MD, Inc.'s damages?
14	\$ 51,00000
15	Please proceed to question 10.
16	10. Did Robert A. Baird MD, Inc. make efforts to mitigate its damages?
17	YesNo
18	If your response to question 10 is yes, then please proceed to question 12. If you answered
19	no, then please continue to question 11.
20	11. If the response to question 10 above is no, please state the amount of damages
21	Robert A. Baird, MD, Inc. could have avoided by making efforts to mitigate its damages?
22	s_NIA
23	Continue to question 12.
24	
25	Conversion Cause of Action
26	12. Did Robert A. Baird, MD, Inc. own, possess, or have had a right to possess or use
27	originals or copies of any patient files and/or patient lists?
28	YesNo
	3 Special Verdict Form 00749070
	Special Verdict Form 00749070

1	If your question to question 12 is yes, then answer question 13. If you answered no, then
2	continue to question 20.
3	13. Did any or all of the following defendants intentionally and substantially interfere
4	with Robert A. Baird, MD, Inc.'s right to own, possess or use patient files and/or patient lists, or
5	wrongfully exercise control over such items by taking possession thereof, by preventing Robert A.
6	Baird, MD, Inc.'s access thereto, and/or by refusing to return such items after Robert A. Baird,
7	MD, Inc. had demanded their return?
8	Irvine Orthopaedic Associates YesNo
9	Dr. Steven A. Becker V YesNo
10	Dr. Floyd G. Shon Yes No
11	Dr. Floyd G. Shon Yes No Jon I White, MD, Inc Yes No Nimish Raj Kadakia, MD, Inc Yes No
12	Nimish Raj Kadakia, MD, Inc YesNo
13	If your question to question 13 is yes, then answer question 14. If you answered no, then
14	continue to question 20.
15	14. Was Robert A. Baird, MD, Inc. harmed?
16	<u>✓</u> YesNo
17	If your question to question 14 is yes, then answer question 15. If you answered no, then
18	continue to question 20.
19	15. Was the defendants' conduct a substantial factor in causing Robert A. Baird, MD,
20	Inc.'s harm?
21	<u>✓</u> YesNo
22	If your question to question 15 is yes, then answer question 16. If you answered no, then
23	continue to question 20.
24	16. What are Robert A. Baird, MD, Inc.'s damages?
25	\$ 17-5,000
26	Please proceed to question 17.
27	17. Did Robert A. Baird, MD, Inc. make efforts to mitigate its damages?
28	YesNo
	Special Verdict Form 00749070
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1	If your response to question 17 is yes, then please proceed to question 19. If you answered
2	no, then please continue to question 18.
3	18. If the response to question 17 above is No, please state the amount of damages
4	Robert A. Baird, MD, Inc. could have avoided by making efforts to mitigate its damages?
5	s_NA
6	Continue to question 19.
7	19. Has plaintiff proved by clear and convincing evidence that the following
8	defendants acted with fraud, malice, or oppression?
9	Irvine Orthopaedic AssociatesNo
10	Dr. Steven A. Becker YesNo
11	Dr. Floyd G. Shon, MD YesNo
12	Jon I White, MD, Inc. YesNo
13	Nimish Raj Kadakia, MD, Inc YesNo
14	Continue to question 20.
15	
16	Intentional Interference with Prospective Economic Relations Cause of Action
17	20. Did an economic relationship exist between Robert A. Baird, MD, Inc. and
18	Nicholas Yaru that probably would have resulted in an economic benefit to Robert A. Baird, MD,
19	Inc.?
20	Yes No
21	If your question to question 20 is yes, then answer question 21. If you answered no, then
22	continue to question 28.
23	21. Did Dr. Steven A. Becker know of the relationship?
24	Yes No
25	If your question to question 21 is yes, then answer question 22. If you answered no, then
26	continue to question 28.
27	22. Did Dr. Steven A. Becker engage in conduct for the purpose of disrupting Robert
28	A. Baird, MD, Inc.'s relationship with Nicholas Yaru, MD?
	5
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2	The state of the s	23. If you answered no, then
3	3 continue to question 28.	
4	4 23. By engaging in this conduct, did Dr. Steven A. Bec	ker intend to disrupt the
5	relationship or know that disruption of the economic relationship v	with Nicholas Yaru, MD was
6	6 certain or substantially certain to occur?	
7	7 YesNo	
8	If your question to question 23 is yes, then answer question	24. If you answered no, then
9	9 continue to question 28.	
10	10	
11	24. Was the relationship disrupted?	
12	12 YesNo	
13	13 If your question to question 24 is yes, then answer question	25. If you answered no, then
14	14 continue to question 28.	
15	15 25. Was Dr. Steven A. Becker's conduct a substantial f	actor in causing harm to
16	Plaintiff Robert A, Baird, MD, Inc.?	
17	17 YesNo	
18	If your question to question 25 is yes, then answer question	26. If you answered no, then
19	19 continue to question 28.	
20	ij and the state of the state o	
21	s 438, 234·0°	
22	22 Has plaintiff proved by clear and convincing eviden	ce that Dr. Steven A. Becker
23	23 acted with fraud, malice, or oppression?	
24	Yes	
25	Please proceed to question 28.	
26	26	
27	27	
28	28	
	6	
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•	Defamation Cause of Action
2	28. Did Dr. Steven A. Becker make statements to persons other than Robert A. Baird
3	that Robert A Baird was dishonest?
4	YesNo
5	If your question to question 28 is yes, then answer question 29. If you answered no, then
6	continue to question 36.
7	29. Did the people who received that statement reasonably understand that the
8	statements were about Robert A. Baird?
9	YesNo
10	If your question to question 29 is yes, then answer question 30. If you answered no, then
11	continue to question 36.
12	30. Did the recipients of the statement reasonably understand the statements to mean
13	that Robert A. Baird was dishonest?
14	YesNo
15	If your question to question 30 is yes, then answer question 31. If you answered no, then
16	continue to question 36.
17	31. Was the statement substantially true?
18	YesXNo
19	If your question to question 31 is no, then answer question 32. If you answered yes, then
20	continue to question 36.
21	32. Did the statement constitute the opinion of Dr. Steven A. Becker?
22	YesNo
23	If your question to question 32 is yes, then answer question 33. If you answered no, then
24	continue to question 34.
25	33. If the answer to Question No. 32 above is yes, did the statement, to the extent
26	phrased as an opinion, imply that a false statement of fact was true?
27	
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Special Verdict Form

	Special Verdict Form 00749070
28	39. Was the statement substantially true?
27	continue to question 44.
26	If your question to question 38 is yes, then answer question 39. If you answered no, then
25	Yes No
24	that Robert A. Baird was had engaged in wrongful activity?
23	38. Did the recipients of the statement reasonably understand the statements to mean
22	continue to question 44.
21	If your question to question 37 is yes, then answer question 38. If you answered no, then
20	YesNo
19	statements were about Robert A. Baird?
18	37. Did the people who received that statement reasonably understand that the
17	continue to question 44.
16	If your question to question 36 is yes, then answer question 37. If you answered no, then
15	YesNo
14	that Robert A Baird had lied, cheated and stole from the partnership?
13	36. Did Dr. Steven A. Becker make statements to persons other than Robert A. Baird
12	
11	Please continue to question 36.
10	V YesNo
9	harm?
8	35. Was Dr. Steven A. Becker's conduct a substantial factor in Robert A Baird's actual
7	continue to question 36.
6	If your question to question 34 is yes, then answer question 35. If you answered no, then
5	
4	falsity of the statement?
3	34. Did Dr. Steven A. Becker fail to use reasonable care to determine the truth or
2	continue to question 36.
1	If your question to question 33 is yes, then answer question 34. If you answered no, then

	9 Special Verdict Form 00749070
28	continue to question 52.
27	If your question to question 44 is yes, then answer question 45. If you answered no, then
26	
25	calendaring system?
24	scheduling entries to be entered regarding independent medical examinations into IOA
23	that Robert A Baird had made efforts to conceal improper conduct by causing false or misleading
22	44. Did Dr. Steven A. Becker make statements to persons other than Robert A. Baird
21	Please continue to question 44.
20	YesNo
19	harm?
18	43. Was Dr. Steven A. Becker's conduct a substantial factor in Robert A Baird's actual
17	continue to question 44.
16	If your question to question 42 is yes, then answer question 43. If you answered no, then
15	YesNo
14	falsity of the statement?
13	42. Did Dr. Steven A. Becker fail to use reasonable care to determine the truth or
12	continue to question 44.
11	If your question to question 41 is yes, then answer question 42. If you answered no, then
10	YesNo
9	phrased as an opinion, imply that a false statement of fact was true?
8	41. If the answer to Question No. 32 above is yes, did the statement, to the extent
7	continue to question 42.
6	If your question to question 40 is yes, then answer question 41. If you answered no, then
5	YesNo
4	40. Did the statement constitute the opinion of Dr. Steven A. Becker?
3	continue to question 44.
2	If your question to question 39 is no, then answer question 40. If you answered yes, then
1	Yes _ V No

1	45. Did the people who received that statement reasonably understand that the
2	statements were about Robert A. Baird?
3	YesNo
4	If your question to question 45 is yes, then answer question 46. If you answered no, then
5	continue to question 52.
6	46. Did the recipients of the statement reasonably understand the statements to mean
7	that Robert A. Baird was had engaged in wrongful activity?
8	No
9	If your question to question 46 is yes, then answer question 47. If you answered no, then
10	continue to question 52.
11	47. Was the statement substantially true?
12	Yes
13 -	If your question to question 47 is no, then answer question 48. If you answered yes, then
14	continue to question 52.
15	48. Did the statement constitute the opinion of Dr. Steven A. Becker?
16	YesNo
17	If your question to question 48 is yes, then answer question 49. If you answered no, then
18	continue to question 50.
19	49. If the answer to Question No. 48 above is yes, did the statement, to the extent
20	phrased as an opinion, imply that a false statement of fact was true?
21	YesNo
22	If your question to question 49 is yes, then answer question 50. If you answered no, then
23	continue to question 52.
24	50. Did Dr. Steven A. Becker fail to use reasonable care to determine the truth or
25	falsity of the statement?
26	Yes No
27	If your question to question 50 is yes, then answer question 51. If you answered no, then
28	continue to question 52.
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	Special Verdict Form 00749070

1	51. Was Dr. Steven A. Becker's conduct a substantial factor in Robert A Baird's actual
2	harm?
3	Yes No
4	Please continue to question 52.
5	52. Did Dr. Steven A. Becker make statements to persons other than Robert A. Baird
6	that Robert A Baird had made efforts to conceal improper conduct by causing IOA staff to not
7	check in independent medical examination appointments into IOA's computerized systems?
8	YesNo
9	If your question to question 52 is yes, then answer question 53. If you answered no, then
10	continue to question 60.
11	53. Did the people who received that statement reasonably understand that the
12	statements were about Robert A. Baird?
13	No
14	If your question to question 53 is yes, then answer question 54. If you answered no, then
15	continue to question 60.
16	54. Did the recipients of the statement reasonably understand the statements to mean
17	that Robert A. Baird was had engaged in wrongful activity?
18	
19	If your question to question 54 is yes, then answer question 55. If you answered no, then
20	continue to question 60.
21	55. Was the statement substantially true?
22	(V Yes) X No SD
23	If your question to question 55 is no, then answer question 56. If you answered yes, then
24	continue to question 60.
25	56. Did the statement constitute the opinion of Dr. Steven A. Becker?
26	Yes No
27	If your question to question 56 is yes, then answer question 57. If you answered no, then
28	continue to question 58.
	Special Verdict Form 00749070

1	57. If the answer to Question No. 56 above is yes, did the statement, to the extent
2	phrased as an opinion, imply that a false statement of fact was true?
3	No
4	If your question to question 57 is yes, then answer question 58. If you answered no, then
5	continue to question 60.
6	58. Did Dr. Steven A. Becker fail to use reasonable care to determine the truth or
7	falsity of the statement?
8	YesNo
9	If your question to question 58 is yes, then answer question 59. If you answered no, then
10	continue to question 60.
11	59. Was Dr. Steven A. Becker's conduct a substantial factor in Robert A Baird's actua
12	harm?
13	No
14	Please continue to question 60.
15	60. Did Dr. Steven A. Becker make statements to persons other than Robert A. Baird
16	that Robert A Baird had engaged in conduct that was tantamount to stealing?
17	YesNo
18	If your question to question 60 is yes, then answer question 61. If you answered no, then
19	continue to question 68.
20	61. Did the people who received that statement reasonably understand that the
21	statements were about Robert A. Baird?
22	YesNo
23	If your question to question 61 is yes, then answer question 62. If you answered no, then
24	continue to question 68.
25	62. Did the recipients of the statement reasonably understand the statements to mean
26	that Robert A. Baird was had engaged in wrongful activity?
27	YesNo
28	
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Special Verdict Form

1	If your question to question 62 is yes, then answer question 63. If you answered no, then	
2	continue to question 68.	
3	63. Was the statement substantially true?	
4	YesX_No	
5	If your question to question 63 is no, then answer question 64. If you answered yes, then	
6	continue to question 68.	
7	64. Did the statement constitute the opinion of Dr. Steven A. Becker?	
8	No	
9	If your question to question 64 is yes, then answer question 65. If you answered no, then	
10	continue to question 66.	
11	65. If the answer to Question No. 64 above is yes, did the statement, to the extent	
12	phrased as an opinion imply that a false statement of fact was true?	
13	No	
14	If your question to question 65 is yes, then answer question 66. If you answered no, then	
15	continue to question 68.	
16	66. Did Dr. Steven A. Becker fail to use reasonable care to determine the truth or	
17	falsity of the statement?	
18	YesNo	
19	If your question to question 66 is yes, then answer question 67. If you answered no, then	
20	continue to question 68.	
21	67. Was Dr. Steven A. Becker's conduct a substantial factor in Robert A Baird's actual	
22	harm?	
23	Yes No	
24	Please continue to question 68.	
25		
26	68. If you answered any of the following questions yes – questions 35, 43, 51, 59	
27	and/or 67, answer a-d, if you answered no, stop here, answer no further questions, and have the	
28	presiding juror sign and date this form.	
	13	
	Special Verdict Form 00749070	

What are Robert A Baird's actual damages for: a. Harm to Robert A Baird's property, business, trade, profession, or occupation? 225,000 b. Expenses Robert A. Baird had to pay as a result of the defamatory statements? c. Harm to Robert A. Baird's reputation? 6 7 d. Shame, mortification, or hurt feelings? 8 9 69. If Robert A. Baird has not proved any actual damages for either c or d in question 10 68 above, then answer question 70. If Robert A Baird has proved damages for both c and d skip 11 questión 70 and answer question 71. 12 70. What are the damages you award Robert A Baird for the assumed harm to his 13 reputation and for shame, mortification, or hurt feelings? You must award at least a nominal sum. 14 \$ 175 000 15 Regardless of your answer to question 70, proceed to question 71. 16 71. Has Robert A. Baird proved by clear and convincing evidence that Dr. Steven A. 17 Becker acted with fraud, malice, or oppression? 18 19 No 20 21 22 Signed 23 Rresiding Jure 24 25 26 27 28

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SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

BAIRD Plaintiff(s), vs.)))) GMSENO 30-2014-00749070)
IRVINE ORTHOPAEDIC ASSOC Defendant(s).))))
We, the jury in the above entitled ac	
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SUPERIOR COURT OF CALLPORNIA COUNTY OF OPARISE CENTRAL JUSTICE CENTER 323 (R9/96) OCT 1 4 2015	Sandra Dawson Foreperson
ALAN CARLSON, Clerk of the Court BY K. L. C. C.	

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SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

BAIRD Plaintiff(s), vs. IRVINE ORTHOPAEDIC ASSOC. Defendant(s).)))) CASE NO. 30-2014-00749070)))
We, the jury in the above entitled action we have	a calulator please?
	,
YES	
SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE CENTRAL JUSTICE CENTER OCT 1 2015 ALAN CARLSON, Clerk of the Court	Juror # 4 Dept. C 2 4 This 14 day of Oct 2015 Sandra Dawson Foreperson
N. Blair	

323 (R9/96)

JURY POLLING SHEET THASE

CASE NAME: BAIRD V. IRVINE ORTHOPAEDIC ASSOC.

CASE NO. 30-2014-00749070

DEPT.: C24 J. By K. BLAIR

Dated:	14.	13.	12.	11.	10.	9.	.	7.	6.	5.	4.	ယ္	2.	-	
10/14/151	CARRIE SANCHEZ	ALBERT EVANS			MARY MCLEAN	MARTHA CARRERAS	HIEU PHAM	JERRI LIU	DAVID BELL	ANNE ENOSA	SANDRA DAWSON	SHARON MILLER	JAMES KEPNER	MARILYB DEWLAND	Name of Juror
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JURY POLLING SHEET

CASE NAME: BAIRD V. IRVINE ORTHOPAEDIC ASSOC.

DEPT.: C24

Name of Juror 17 18 19 20 21 22 33 34 35 36 37 38 39 30 31 3 MARILYB DEWLAND 17 18 19 20 21 22 33 34 35 36 37 38 39 30 31 3 MARILYB DEWLAND 17 18 19 20 21 22 33 34 35 36 37 38 39 30 31 3 MARILYB DEWLAND 17 18 19 20 21 22 33 34 35 36 37 38 39 30 31 3 MARILYB DEWLAND 17 18 19 20 21 22 33 34 35 36 37 38 39 30 31 3 MARILYB DEWLAND 17 18 19 20 21 22 33 34 35 36 37 38 39 30 31 3 MARILYB DEWLAND 17 18 19 20 21 22 33 34 35 36 37 38 39 30 31 3 MARILYB DEWLAND 17 18 19 20 21 22 33 34 35 36 37 38 39 30 31 3 MARILYB DEWLAND 17 18 19 20 21 22 33 34 35 36 37 38 39 30 31 3 MARILYB DEWLAND 17 18 19 20 21 22 33 34 35 36 37 38 39 30 31 3 MARILYB DEWLAND 17 18 19 20 21 22 33 34 35 36 37 38 39 30 31 3 MARILYB DEWLAND 17 18 19 21 22 33 34 35 36 37 38 39 30 31 3 MARILYB DEWLAND 17 18 19 17 18 19 21 22 37 38 39 30 31 3 MARILYB DEWLAND 17 18 19 17 18 19 17 18 19 18 18 18 18 18 18 18 18 18 18 18 18 18 1	Dated:	14.	13.	12.	11.	10.	9.	. ∞	7.	6.	5.	4.	က	2.	1.	
4		CARRIE SANCHEZ	ALBERT EVANS			MARY MCLEAN	MARTHA CARRERAS	HIEU PHAM	JERRI LIU	DAVID BELL	ANNE ENOSA	SANDRA DAWSON	SHARON MILLER	JAMES KEPNER	MARILYB DEWLAND	Name of Juror
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CASE NAME: BAIRD V. IRVINE ORTHOPAEDIC ASSOC.

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JURY POLLING SHEET

CASE NAME: BAIRD V. IRVINE ORTHOPAEDIC ASSOC.

DEPT.: C24

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JURY POLLING SHEET

CASE NAME: BAIRD V. IRVINE ORTHOPAEDIC ASSOC.

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