

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN DIEGO  
NORTH COUNTY**

**MINUTE ORDER**

DATE: 09/22/2022

TIME: 09:00:00 AM

DEPT: N-27

JUDICIAL OFFICER PRESIDING: Cynthia A. Freeland

CLERK: Michael Garland

REPORTER/ERM: Kasey Mobley CSR# 13407

BAILIFF/COURT ATTENDANT: Lorianne Thompson

CASE NO: **37-2017-00014136-CU-PO-NC** CASE INIT.DATE: 04/18/2017

CASE TITLE: **Hedayatzadeh vs. The City of Del Mar [IMAGED]**

CASE CATEGORY: Civil - Unlimited CASE TYPE: PI/PD/WD - Other

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**EVENT TYPE:** Civil Jury Trial

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**APPEARANCES**

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**Appearances:** Daryoosh Khashayar and Babak Semnar appear on behalf of plaintiff, Farid Hedayatzadeh, Individually, and as Executor of the Estate of Javad Hedayatzadeh. Plaintiff, Farid Hedayatzadeh is personally present. Anthony E. Sonnett and V. Alan Arshansky appear on behalf of defendant, North County Transit District. Also present on behalf of defendant is, Sean P. Loofbourrow, Chief of Safety and Security.

8:46 am This being the time previously set for further Jury trial in the above entitled cause, having been continued from September 21, 2022, all parties and counsel appear as noted above and court convenes.

Court and counsel confer regarding Jury Instructions and the Verdict Form, as reported.

9:02 am Court and counsel confer, as reported.

Defendant, North County Transit District's Motion in Limine and Request for Limiting Instruction Re: Issues Related to Train Width is **denied with instructions**.

Defendant, North County Transit District's Motion in Limine and Request for Limiting Instruction Re: Issues Relating to Trespasser Enforcement is **denied with instructions**.

9:12 am Court is in recess.

9:16 am Court, counsel, parties, and the jury are present in court. The Court now instructs the jury in the law applicable to this case, not reported.

Clerk's Note: Pursuant to stipulation of counsel, proceedings are not reported while the Court instructs

the jury.

9:45 am Mr. Khashayar presents closing arguments on behalf of the plaintiffs.

9:58 am Court and counsel confer at side-bar, not reported (three minutes).

10:01 am Closing arguments by Mr. Khashayar continue.

11:16 am The jury is admonished and excused. Court remains in session, outside the presence of the jury. Court and counsel confer, as reported.

11:18 am Court is in recess.

11:31 am Court, counsel, parties, and the jury are present in court. Mr. Sonnett presents closing arguments on behalf of the defendant.

11:53 am The jury is admonished and excused. Court remains in session, outside the presence of the jury. Court and counsel confer, as reported.

11:58 am Court is in recess.

1:29 pm Court, counsel, and parties are present in court, outside the presence of the jury. Court reconvenes. Court and counsel confer, as reported.

1:33 pm The jury is now present. Closing arguments by Mr. Sonnett continue.

2:22 pm Mr. Khashayar presents rebuttal arguments on behalf of the plaintiffs.

2:39 pm The Court concludes instructing the jury, not reported.

2:48 pm The bailiff is sworn to take custody of the jury, and she escorts the jury to the deliberation room. Out of the presence of the jury, the Court instructs the alternate juror to remain on telephonic stand-by.

2:51 pm Court and counsel confer, outside the presence of the jury, as reported.

2:55 pm Court is in recess.

3:15 pm The jury is released for the afternoon break.

3:33 pm The jury is reassembled to the deliberation room to continue deliberations.

3:55 pm The bailiff notifies the Court that the jury has reached a verdict. The clerk notifies counsel to return to court forthwith.

4:04 pm Court and counsel are present in court. The jurors are escorted into the courtroom by the bailiff. Presiding juror, Keera Berner, states that the jury has reached a verdict. At the direction of the Court, the clerk reads the verdict as follows:

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(TITLE AND CAUSE) **SPECIAL VERDICT FORM**

"We answer the questions submitted to us as follows:

**QUESTION NO. 1:**

Was the property in a dangerous condition at the time of the injury?

\_\_\_\_\_ Yes        X   No

Date: 22 September 2022      /s/ Keera Berner  
Presiding Juror"

4:08 pm At the request of plaintiffs' counsel, the jury is polled with the following results to the question, "Was this your answer as read?":

Question No. 1:        11   Yes        1   No

4:10 pm At the direction of the Court, the verdict is recorded. The Court thanks the jurors for their participation, and releases them from the admonishment. All jurors leave the courtroom.

4:12 pm Court is in recess.

4:20 pm Court and counsel are present in court. Court and counsel confer, as reported.

The Court releases the exhibits to the offering party. Exhibits are to be maintained by the offering party throughout the appeal period.

Counsel for the defendant is directed to prepare the Judgment on the Special Verdict.

4:23 pm Court is adjourned in this matter.