

CITY OF OCEANSIDE  
**NEWS RELEASE**



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**For Immediate Release**  
**August 8, 2013**

**SUPERIOR COURT GRANTS CITY NEW TRIAL**  
**VACATING \$1.5 MILLION JURY VERDICT**

The City of Oceanside is pleased to announce the Superior Court has granted the City's motion for a new trial in the case of *Hirst v City of Oceanside*. As a result of this decision, the \$1.5 million dollar jury verdict in the case has been set aside.

The plaintiff in this case was an employee for a private company under contract with the County of San Diego to provide blood drawing services to local law enforcement agencies. Upon learning from a third party that an Oceanside police officer made an inappropriate remark to Ms. Hirst, the City of Oceanside launched a detailed investigation which resulted in the termination of the officer. After reviewing and weighing all of the evidence produced throughout the three week trial, the Court found that the damages awarded by the jury were excessive and were not supported by the evidence. In a thorough and well reasoned order, the Court found, among other things, that the jury inappropriately awarded plaintiff damages for emotional distress allegedly incurred during the litigation that she filed. The law does not allow recovery of this type of damage and the trial court decision correctly states the law. The Court also found that the award was influenced by legally impermissible arguments made by plaintiffs counsel. Finally, the court found that the plaintiff's testimony was staged at times and lacked credibility.

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The City believes the trial court decision was fully supported by the extensive trial record and correctly applies California law. In addition, the City continues to maintain that Plaintiff cannot sue the City under the Fair Employment and Housing Act as she was not an employee or contractor of the City.

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