

**TORTS**

**MALICIOUS PROSECUTION**

Child Custody

VERDICT: \$1,229,175.

CASE/NUMBER: John Williams Steves v. Kenneth Jacobs, Kimberly Lemire / 30-2012-00581735-CU-NP-CJC.

COURT/DATE: Orange Superior / Dec. 11, 2013.

JUDGE: Hon. Gregory H. Lewis.

ATTORNEYS: Plaintiff - Raquel Flyer (Flyer & Flyer PLC, Newport Beach); Stan A. Smith (Stan A. Smith APLC, Laguna Niguel).

Defendant - Jeffrey N. Redd (Macrae & Edrington, Santa Ana) for Kenneth Jacobs; Roger Ho (Wenzel & Associates ALC, Santa Ana) for Kimberly Lemire.

MEDICAL EXPERTS: Plaintiff - Sheryl Woodhouse, MFT, family therapy, Mission Viejo.

TECHNICAL EXPERTS: Plaintiff - Emery Gilbert May, criminal defense attorney, Laguna Niguel.

FACTS: On Dec. 6, 2011, plaintiff John Williams Steves' children, ages 14 and 15, were removed from his home by defendants Kenneth Jacobs and Kimberly Lemire. Plaintiff verbally protested the defendants' actions and an altercation ensued. The police were called to the scene and defendants signed a citizen's arrest form. Plaintiff was then taken to jail, and charged with assault, battery, aggravated assault, child abuse and endangerment. Plaintiff plead not guilty to the charges, and the charges were later dropped.

Plaintiff filed suit against defendants, claiming malicious prosecution.

PLAINTIFF'S CONTENTIONS: Plaintiff contended that after a drunk driver had killed his wife in Feb. 2011, his children began acting out. Plaintiff claimed that defendants took it upon themselves to take plaintiff's children when they were grounded, and refused to give the children back to plaintiff.

Plaintiff called the police and when they showed up the defendants told the officers false facts and signed a citizen's arrest form for plaintiff to be taken into custody. Plaintiff was then taken to jail, and then charged with assault, battery, aggravated assault, child abuse and endangerment.

Plaintiff's children were removed from the home for eight months. Plaintiff claimed that defendants told the police false facts to avoid their own arrests.

DEFENDANT'S CONTENTIONS: Defendants claimed they were justified in signing for a citizen's arrest and did not intend any malice. Lemire contended she and plaintiff's decedent wife had been friends.

JURY TRIAL: Length, 18 hours; Deliberation, one hour.

SETTLEMENT DISCUSSIONS: Plaintiff's offer to settle before trial was denied.

RESULT: The jury returned a verdict for plaintiff and awarded \$1,229,175. Defendants were found jointly and severally liable for malicious prosecution.

FILING DATE: July 6, 2012.