

The Mercury News

MercuryNews.com

Jurors award diabetic bodybuilder \$217K in civil case involving Redwood City police

By Jesse Dungan
Daily News Staff Writer

Posted: 06/17/2011 12:00:00 AM PDT

Updated: 06/17/2011 12:49:15 AM PDT

Redwood City police violated a diabetic bodybuilder's civil rights in a confrontation at a downtown movie theater four years ago, a federal jury decided Thursday afternoon.

After three days of deliberations, jurors determined that Officer Jaime Mateo, a 23-year veteran of the Redwood City Police Department, used excessive force and awarded former Mr. Natural Universe Doug Burns about \$217,000 in damages. They also said Mateo and a police sergeant, David Gough, acted with some negligence.

Jurors, however, found that the policemen did not intentionally inflict emotional harm on the bodybuilder, and that he was negligent to a degree, too.

Burns, 50, of Cupertino, contended in his lawsuit against Mateo, Gough and Redwood City that he was in the throes of a diabetic emergency on April 1, 2007, when police were called to the Century 20 on Middlefield Road. He was disoriented and staggering in circles when they arrived.

Police believed Burns posed a threat because of his build and behavior, the city's attorney, Joseph Howard, said during the trial. They had little time to react and moved to subdue Burns to ensure their own safety and that of others at the theater, Howard said in an interview after the verdict.

Burns' attorneys said police did not try to assess his condition before blasting him with pepper spray, wrestling him to the ground and beating him. The scuffle left Burns with permanent nerve damage and ended his professional

bodybuilding career, they said.

The San Mateo County District Attorney's Office initially charged Burns with resisting arrest and assaulting an officer, but dropped the case after determining he wasn't aware of his actions at the time.

"Doug Burns and the entire diabetic community feels very vindicated by this," Mike Haddad, one of Burns' attorneys, said of the verdict. "This whole thing stemmed from the police officers' failure to do the proper assessment in this situation where Doug Burns was merely having a diabetic emergency and was no criminal."

Howard said he respected "the jurors' very, very excellent work in trying to resolve the case," but disagreed with their conclusion. The city is considering whether to appeal, he said.

The jury did not award punitive damages against Mateo or Gough and found Burns 30 percent negligent, Howard pointed out. As a result, the city will only have to pay 70 percent of the \$217,784 award, he said.

However, Haddad said because jurors determined Burns' civil rights were violated, the city will have to pay the entire amount. U.S. District Court Judge Richard Seeborg will make the final order, which may also include attorneys' fees.

Email Jesse Dungan at jdungan@dailynewsgroup.com.

Get a FREE ADT-Monitored Home Security System.*
(With \$99 customer installation and purchase of ADT alarm monitoring services. See important terms and conditions below.)

Call Now! 1-877-835-8373

SECURITY CHOICE 
ADT Authorized Company

*\$99.00 Customer Installation Charge. 36-Month Monitoring Agreement required at \$35.99 per month (\$1,295.64). Form of payment must be by credit card or electronic charge to your checking or savings account. Offer applies to homeowners only. Local permit fees may be required. Satisfactory credit history required. Certain restrictions apply. Offer valid for new SecurityChoice - An ADT Authorized Dealer customers only and not on purchases from ADT Security Services, Inc. Other rate plans available. Cannot be combined with any other offer. **\$100 VISA® Gift Card Offer: \$100 VISA Gift Card is provided by Security Choice and is not sponsored by ADT Security Services. Requires mail-in redemption. Call 1-888-407-2338 for complete restrictions and redemption requirements.

Print Powered By  FormatDynamics™