

Honorable Michael A. Latin (Ret.)  
SIGNATURE RESOLUTION  
633 West 5<sup>th</sup> Street, Suite 1000  
Los Angeles, California 90071  
(213) 622-1002  
Referee

**SIGNATURE RESOLUTION**  
**IN RE THE MATTER OF THE JUDICIAL REFERENCE OF**

RICHARD A. LOFTUS,	) <i>Signature Case No. BQDPN</i>
Plaintiff,	) <i>RSC CASE NO. CVPS2106540</i>
vs.	) <i>Dep. PS2, Hon. Manuel Bustamante</i>
EISENHOWER MEDICAL CENTER, a corporation, et al.	) <b><i>STATEMENT OF DECISION</i></b> ()
Defendants.	) <b><i>ON PUNITIVE DAMAGES</i></b> ()
	) <b><i>VOLUNTARY GENERAL REFERENCE</i></b> (CCP § 638)
	) Complaint filed: December 23, 2021
	) Hearing Date: January 20-25, 2025 (remote)

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The Referee, having considered the evidence introduced at the underlying trial on liability, the bifurcated trial on punitive damages, as well the briefs filed by the parties on punitive damages, hereby makes the finding on the applicability and appropriate amount of punitive damages.

This portion of the trial was bifurcated. The parties submitted evidence on the financial condition of Eisenhower Medical Center and Eisenhower Medical Associates, the not-for-profit status and purposes of each entity, and the potential impact of a punitive damage award. The conduct supporting the Plaintiff's claim for punitive damages was all adduced at the first phase

of the trial, and the findings on that conduct are all included in the Statement of Decision previously submitted. Those facts need not be rehashed or repeated here.

The Referee finds by clear and convincing evidence that EMC and EMA, by and through their officers, directors, and managing agents, acted with malice, fraud and oppression. For the reasons set forth in detail in the Statement of Decision on the liability phase, punitive damages are entirely warranted and appropriate. The conduct which formed the basis of the Defendants' liability was egregious and outrageous. Its impact on Dr. Loftus was profound and life-altering. Defendants' argument that "there is no evidence that EMC or EMA had advance knowledge of the unfairness of the employee acting against Dr. Loftus and employed him with a conscious disregard of the rights and safety of others" is belied by the overwhelming weight of the evidence and the previously detailed findings of the Referee.

The Referee has taken into consideration the following factors in determining the appropriateness of punitive damages and in assessing the amount that is warranted here: 1) the reprehensibility of the Defendants' conduct; 2) the amount of damages that will punish and deter the Defendants in light of their financial condition; and 3) a reasonable relationship to the compensatory damages. The Referee finds that punitive damages are warranted to punish Defendants for their abhorrent conduct. The Referee sees no need to pile on. The reprehensibility of the conduct of EMC's and EMA's officers, directors and managers involved is laid out in explicit detail in the Statement of Decision on liability. It need not be repeated here. The Referee wholeheartedly agrees with the arguments made in Plaintiff's brief. Punitive damages here are not only warranted but should be significant enough to deter similar conduct and encourage change at Eisenhower.<sup>1</sup> The finding is that \$4,000,000.00 is the appropriate measure of punitive damages to accomplish those objectives in this case.

EMC's 2022-2024 IRS 990 tax filings, filed under penalty of perjury, show an average annual net income of \$96,040,319. EMC's net assets for 2024 were over \$1 billion. This

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<sup>1</sup>There is no indication that anyone in leadership has done anything, or even plans to do anything, to try to bring about change or to ensure this does not happen again.

punitive damage award is relatively insignificant in comparison with EMC's net assets and financial liquidity. The Referee is unmoved by the Defendants' argument that a punitive damage verdict will directly impact patient care. First, the impact will be minor, as the punitive damages are a very small fraction of EMC's net income and assets. Second, and more importantly, EMC's conduct in this case is replete with examples of actions it took for years that run directly contrary to quality patient care, all while violating Dr. Loftus' rights and the rights of countless other physicians and staff that patients rely upon for quality care. Considering the overwhelming evidence of EMC's and EMA's misconduct here, the argument appears to be more of a tactic than one that arises out a genuine concern for patient care.

A hospital's greatest asset is not its money, but its people. The Referee heard testimony from a staggering number of brilliant, highly regarded, highly credentialed residents, physicians and staff members who left EMC and the desert community to work for hospitals in other cities - solely because of the abusive environment the administration allowed to fester by protecting Dr. Abassi - a known liar, harasser, misogynist, covid denier. EMC and EMA did this while deliberately ignoring their own written policies and directives, all created to protect Eisenhower employees from this exact kind of abuse. This same outrageous conduct also forced Dr. Loftus, one of its top virologists, a respected mentor and leader, and a beloved member of the community, to leave the community he loved and served unselfishly for so many years.

The Referee agrees with Respondents that EMA does not have sufficient net assets to justify an award of punitive damages against it. Accordingly, the entirety of the \$4,000,000.00 punitive damage award is assessed against EMC. No punitive damages are ordered as against EMA.

DATED: October 6, 2025

DocuSigned by:  
  
Hon. Michael A. Latin (Ret.)  
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Hon. Michael A. Latin (Ret.)  
Judicial Referee

# **PROOF OF SERVICE**

**RE: Loftus v. Eisenhower Medical Center, et al.**  
**Case ID: BQDPN**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and am not a party to the within action. My business address is 633 West 5th Street, Suite 1000 Los Angeles, CA 90071

On October 13, 2025 I served the **STATEMENT OF DECISION ON PUNITIVE DAMAGES** on the following parties. Placing a true copy to all parties as follows:

James Y. Yoon, Esq.  
Jeffrey A. Rager, Esq.  
RAGER & YOON  
2321 Rosecrans Avenue  
Suite 4255  
El Segundo, CA 90245  
[james@ragerlawoffices.com](mailto:james@ragerlawoffices.com)  
[jeff@ragerlawoffices.com](mailto:jeff@ragerlawoffices.com)  
cc: [alana@ragerlawoffices.com](mailto:alana@ragerlawoffices.com)

Aaron L. Agenbroad, Esq.  
JONES DAY  
555 California Street  
26th Floor  
San Francisco, CA 94104  
[alagenbroad@jonesday.com](mailto:alagenbroad@jonesday.com)

Christian A. Bashi, Esq.  
JONES DAY  
250 Vesey Street  
New York, NY 10281  
[cbashi@jonesday.com](mailto:cbashi@jonesday.com)

Melanie R. Savarese, Esq.  
SAVARESE LAW FIRM  
37 West Sierra Madre Boulevard  
Sierra Madre, CA 91024  
[melanie@savareselawfirm.com](mailto:melanie@savareselawfirm.com)

JONES DAY  
555 South Flower Street  
50th Floor  
Los Angeles, CA 90071  
cc: [saltamirano@jonesday.com](mailto:saltamirano@jonesday.com)

( ) BY U.S. MAIL: I caused such envelope(s), with postage fully prepaid, to be placed in the U.S. Mail at Los Angeles, California.

( ) BY FACSIMILE: I caused such document to be sent via facsimile to each person.

(X) BY ELECTRONIC MAIL: I caused such document to be sent via electronic mail to each person.

( ) BY PERSONAL SERVICE: I caused such envelope to be delivered by hand to the office of the addressee.

(X) STATE: I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

( ) FEDERAL: I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on October 13, 2025 at Los Angeles, California.

*Sandra Estropia*  
Sandra Estropia  
Signature Resolution