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Clerk of the Superior Court  
JUL 03 2015

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K. BRECKENRIDGE

JUL 01 2015

By: N. ADAMS, Deputy

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7 Attorneys for Plaintiff, Ideal Market, Inc.

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 IN AND FOR THE COUNTY OF SAN DIEGO

10 IDEAL MARKET, INC.,	)	CASE NO. 37-2014-00083287-CU-BC-
11	)	CTL
12 Plaintiff,	)	
13 v.	)	JUDGMENT AFTER TRIAL BY JURY
14 KALASHO, INC., a California	)	IMAGED FILE
15 Corporation, BESSMON KALASHO,	)	Trial Date : March 18-23, 2015
16 and DOES 1 through 40,	)	Dept : C-72
17 inclusive,	)	IC Judge : Hon. Timothy Taylor
18	)	
19 Defendants.	)	

18 This cause came on regularly for trial on March 18, 2015, in  
19 Department C-72 of the above entitled court, the Honorable Timothy  
20 Taylor, Judge Presiding. Plaintiff appeared by and through its  
21 attorney, Joseph A. Pastore, Esq. Defendants appeared by and  
22 through their attorney, Stephen F. Lopez, Esq.

23 A jury of 12 persons with 3 alternates was regularly impaneled  
24 and sworn to try the action. Witnesses on the part of both the  
25 Plaintiff and Defendants were sworn and examined. After hearing  
26 the evidence, the arguments of counsel, and instructions of the  
27 court, the jury retired to consider their verdict, subsequently  
28

JUDGEMENT AFTER TRIAL BY JURY

1 returned to court, and being called, answered to their names and  
2 duly rendered their verdict in writing, in words and figures as  
3 follows:

4 **I. VERDICT ON CAUSE OF ACTION FOR BREACH OF CONTRACT**

5 We the jury answer the questions submitted to us as follows:

6 1. Did IDEAL MARKET, INC., and KALASHO, INC., enter into  
7 a contract?

8 Yes  X  No

9 If your answer to question 1 is yes, then answer question 2. If you  
10 answered no, stop here, answer no further questions, and have the  
11 presiding juror sign and date this form.

12 2. Did IDEAL MARKET, INC., do all, or substantially all, of  
13 the significant things that the contract required it to do?

14 Yes   No  X

15 If your answer to question 2 is yes, then answer question 4. If you  
16 answered question 2 no, then answer question 3.

17 3. Was IDEAL MARKET, INC., excused from having to do all,  
18 or substantially all, of the significant things that the contract  
19 required it to do?

20 Yes   No  X

21 If your answer to question 3 is yes, then answer question 4. If you  
22 answered question 3 no, stop here, answer no further questions, and  
23 have the presiding juror sign and date this form.

24 Dated: March 23, 2015

Signed:  Peter Garvin   
Presiding Juror

26 **II VERDICT ON CAUSE OF ACTION FOR FRAUD**

27 We the jury answer the questions submitted to us as follows:

28 1. Did BESSMON KALASHO make a false representation of an

1 important fact to IDEAL MARKET, INC.?

2 Yes  X  No \_\_\_\_\_

3 If your answer to question 1 is yes, then answer question 2.  
4 If you answered no, stop here, answer no further questions, and  
5 have the presiding juror sign and date this form.

6 2. Did BESSMON KALASHO know that the representation was  
7 false, or did he make the representation recklessly and  
8 without regard for its truth?

9 Yes  X  No \_\_\_\_\_

10 If your answer to question 2 is yes, then answer question 3.  
11 If you answered no, stop here, answer no further questions, and  
12 have the presiding juror sign and date this form.

13 3. Did BESSMON KALASHO intend that IDEAL MARKET, INC., rely  
14 on the representation?

15 Yes  X  No \_\_\_\_\_

16 If your answer to question 3 is yes, then answer question 4.  
17 If you answered no, stop here, answer no further questions, and  
18 have the presiding juror sign and date this form.

19 4. Did IDEAL MARKET, INC., reasonably rely on the  
20 representation?

21 Yes  X  No \_\_\_\_\_

22 If your answer to question 4 is yes, then answer question 5. If you  
23 answered no, stop here, answer no further questions, and have the  
24 presiding juror sign and date this form.

25 5. Was IDEAL MARKET, INC.'s reliance on BESSMON KALASHO's  
26 representation a substantial factor in causing harm to IDEAL  
27 MARKET, INC.?

28 Yes  X  No \_\_\_\_\_

JUDGEMENT AFTER TRIAL BY JURY

1 If your answer to question 5 is yes, then answer question 6.  
2 If you answered no, stop here, answer no further questions, and  
3 have the presiding juror sign and date this form.

4 6. What are IDEAL MARKET, INC.'s damages? \$10,000.00

5 7. Did IDEAL MARKET, INC., discover the false representation  
6 on or before January 9, 2011?

7 Yes \_\_\_\_\_ No X

8 8. Should IDEAL MARKET, INC., have reasonably discovered  
9 the false representation on or before January 9, 2011?

10 Yes \_\_\_\_\_ No X

11 Dated: March 23, 2015

Signed: Peter Garvin  
Presiding Juror


12 WHEREFORE, by virtue of the law, and by reason of the premises  
13 aforesaid, it is ordered, adjudged, and decreed that on the FIRST  
14 CAUSE OF ACTION for breach of contract that Plaintiff, IDEAL  
15 MARKET, INC., take nothing by its complaint, and that Defendant,  
16 KALASHO, INC., recover from Plaintiff, IDEAL MARKET, INC., costs  
17 and disburden<sup>se it</sup>ments pursuant to a timely filed memorandum of costs  
18 as confirmed by this court.  
19

20 WHEREFORE, by virtue of the law, and by reason of the premises  
21 aforesaid, it is ordered, adjudged, and decreed that on the SECOND  
22 CAUSE OF ACTION for fraud that Plaintiff, IDEAL MARKET, INC., have  
23 and recover from Defendant, BESSMON KALASHO, the sum of Ten  
24 Thousand Dollars (\$10,000), together with interest thereon at the  
25 rate of ten percent (10%) per annum from the date of the verdict

26 / / / /  
27 / / / /  
28 / / / /

1 until paid, and that Plaintiff, IDEAL MARKET, INC., recover from  
2 Defendant, BESSMON KALASHO, costs and ~~disbursements~~ <sup>disbursements</sup> ~~disburdenments~~ pursuant to a  
3 timely filed memorandum of costs as confirmed by this court.

4 APPROVED AS TO FORM AND CONTENT *Ideal Market, Inc. to recover*  
5 *Costs of \$2476.03. KB 7/14/15*

6   
7 Stephen F. Lopez, Esq. Attorney  
8 for Defendants, KALASHO, INC.,  
9 and BESSMON KALASHO

10 Dated: 7/1/15

  
11 Honorable, Timothy Taylor  
12 Judge Presiding

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