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## Estey & Bomberger announces Jury Awards \$30 Million in San Jose Molestation Case

SAN JOSE, Calif.--([BUSINESS WIRE](#))--A San Jose, CA jury late yesterday afternoon awarded a former foster care child \$30 million in damages for sexual abuse the child endured due to the negligence of the private company that licensed the foster home in which the child was placed for four years.

The plaintiff, who for privacy issues is only identified as John Doe, was 11 years old when he was placed in the foster home of John Jackson in Santa Clara County, California. Doe was forced into more than 600 acts of sexual abuse by Jackson from December 1995 to March 1999 when Doe was removed from the home.

The defendant in the case, Giarretto Institute, was licensed by the State of California to supervise and monitor the Jackson home as a foster family agency. The jury found Giarretto 75 percent responsible for the injuries to Doe and Jackson 25 percent responsible. Giarretto is responsible for \$22.5 million of the \$30 million verdict.

Doe is now 25 years old and suffers from residual mental distress as a result of the abuse. Three other foster children who were also in the Jackson home and suffered similar abuse have lawsuits pending.

“This case was not only about Mr. Doe but about the safety of all the children in the foster care system in Santa Clara County and beyond,” states Stephen Estey, a partner with Estey & Bomberger, who represented Doe in the lawsuit. “By determining that Giarretto was significantly more accountable than the abuser, the jury has made a strong statement as to who is responsible for ensuring the well being of foster children.”

At trial, Estey presented extensive evidence showing that Giarretto did not properly train its employees, many of whom had other full time jobs and worked for the company on a part-time, off-hours basis. When allegations of sexual abuse were raised by the foster children, Giarretto did not have any investigators with sexual abuse experience, so the allegations were not properly investigated and were found by Giarretto’s staff to be unsubstantiated.

“Children in the foster care system need strong advocates, and Giarretto’s employees let our client down,” states Donald Beck, an attorney with Estey & Bomberger who also represented Doe.

The trial lasted two and one half weeks, and the verdict was returned in one day. The jury was comprised of seven woman and five men. The Honorable Peter Kirwan presided over the trial.

The verdict is the largest in California this year for a single person sex abuse case and is one of the largest verdicts in the state in 2010. It is believed to be the largest verdict in California history for a single person sex abuse case.

During the trial, the jury heard testimony that the company which initially licensed the Jackson home (Giarretto subsequently purchased that company) did not conduct a proper background check of Jackson. An elementary reference check of Jackson would have uncovered disturbing information about his past that would have disqualified him from being a foster parent, such as a history of inappropriate sexual conduct including sex with a minor, a history of drug and alcohol abuse, threats toward others with firearms, physical abuse toward his pregnant wife and suicide attempts resulting in psychiatric hospitalization.

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Jackson has been convicted of his abuse against Doe and the other victims and is currently serving a 200+ year sentence.

### **About Estey & Bomberger**

Estey & Bomberger provides professional and effective legal representation to those who have been seriously injured or affected by a tragic loss. Based in San Diego, the firm represents clients throughout California. For more information, visit [www.estey-bomberger.com](http://www.estey-bomberger.com).

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