

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA
02/01/2023
Darrel E. Parker, Executive Officer
BY Temple, Kristi Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA

NICOLE NAGEL, an individual; ESY
INVESTMENTS, LLC, a California limited
liability company,

Plaintiff,

vs.

TRACY A. WESTEN and LINDA LAWSON,
individually and as trustees of the WESTEN
AND LAWSON TRUST U/A DATED MAY
8, 1999, aka THE WESTEN-LAWSON 1999
REVOCABLE TRUST; DEREK WESTEN,
WESTEN FAMILY TRUST U/A DATED
JULY 2, 1999, PETER K. WESTEN,
WESTEN 2010 TRUST U/A DATED JULY
28, 2010, WESTEN FAMILY GROUP LLC
and DOES 1 through 50, inclusive,

Defendants.

) Case No: 15CV01178
) [Assigned to the Hon. Donna D. Geck, Dept. 4]

) JUDGMENT ON JURY VERDICT

This action came regularly for trial on August 15, August 17-18, August 22-25, August 29-
September 2, September 6-8 and November 1, 2022, and January 17, 2023, in Department 4 of the
Superior Court, the Honorable Donna D. Geck, Judge presiding; plaintiff Nicole Nagel
("Plaintiff") appearing by attorneys Jeffrey B. Valle, Jennifer Laser, and Ilan Wisnia, and the

1 defendants Derek Westen and Westen Family Group, LLC, appearing by attorney Nathan C.
2 Rogers and defendants Peter Westen and Westen Family Group LLC, appearing by attorneys
3 Ronald Zonen and R. Chris Kroes.

4 A jury of persons was regularly impaneled and sworn. Witnesses were sworn and testified.
5 After hearing the evidence and arguments of counsel, the jury was instructed by the Court and the
6 cause was submitted to the jury. The jury deliberated and thereafter returned its verdict as set
7 forth in the Special Verdict Forms attached hereto as Exhibits A, B and C.

8 On January 17, 2023, the Court ruled that Derek Westen and Westen Family Group, LLC
9 did not engage in the conduct with malice, oppression, or fraud. The Court previously ruled that
10 Plaintiff was not entitled to seek punitive damages against Peter Westen.

11 THEREFORE, based on the jury's verdict, Plaintiff is entitled to judgment against
12 Defendants as follows:

13 NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that, based on the
14 jury's verdict, Plaintiff recover from said Defendants the following sums of money with interest
15 thereon at the rate of ten percent (10%) per annum from the date of the entry of this judgment until
16 paid:

- 17 1. From Westen Family Group, LLC: \$2,000,000;
- 18 2. From Derek Westen: \$50,000; and
- 19 3. From Peter Westen: \$50,000.

20 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff recover from
21 said Defendants costs and attorney's fees as follows:

- 22 1. From Westen Family Group, LLC: \$ _____.
- 23 2. From Derek Westen: \$ _____.
- 24 3. From Peter Westen: \$ _____.

25
26
27 Dated:

28 **02/01/2023**



Honorable Donna D. Geck, Judge of the Superior Court

EXHIBIT A

1 **ISSUE NO. 1: ANNUITY**

2 1. Does Nicole Nagel have a right to payment from Tracy Westen and Linda Lawson
3 pursuant to her judgment against them?

4 YES NO

5 If your answer to question 1 is yes, then answer question 2. If you answered no, skip to
6 question 14.

7 2. Did Tracy Westen and Linda Lawson transfer their Ameriprise annuity?

8 YES NO

9 If your answer to question 2 is yes, then answer question 3. If you answered no, skip to
10 question 14.

11 3. Did Tracy Westen and Linda Lawson transfer their Ameriprise annuity with the
12 intent to hinder, delay, or defraud one of their creditors?

13 YES NO

14 If your answer to question 3 is yes, then answer question 4. If you answered no, skip to
15 question 14.

16 4. Did Nicole Nagel incur harm?

17 YES NO

18 If your answer to question 4 is yes, then answer question 5. If you answered no, skip to
19 question 14.

20 5. Was the transfer of the Ameriprise annuity a substantial factor in causing harm
21 to Nicole Nagel?

22 YES NO

23 If your answer to question 5 is yes, then answer question 6. If you answered no, skip to
24 question 14.

25 6. What is the amount of Nicole Nagel's economic damages related to the transfer
26 of the Ameriprise annuity?

27 \$ _____

28 Answer question 7.

1 7. Was the transfer of the Ameriprise annuity a substantial factor in causing Nicole
2 Nagel to suffer physical or emotional injuries?

3 ___ YES ___ NO

4 If your answer to question 7 is yes, then answer question 8. If you answered no, skip to
5 question 9.

6 8. What is the amount of damages for Nicole Nagel's physical or emotional injuries
7 related to the transfer of the Ameriprise annuity?

8 \$ _____

9 Proceed to question 9.

10 9. Did Derek Westen know that Tracy Westen and Linda Lawson were going to
11 transfer their Ameriprise annuity with the intent to hinder, delay or defraud one of their
12 creditors?

13 ___ YES ___ NO

14 If your answer to question 9 is yes, then answer question 10. If you answered no, skip
15 to question 14.

16 10. Did Derek Westen agree with and intend that Tracy Westen and Linda Lawson
17 transfer their Ameriprise annuity with the intent to hinder, delay, or defraud one of Tracy
18 Westen's and Linda Lawson's creditors?

19 ___ YES ___ NO

20 If your answer to question 10 is yes, then answer question 11. If you answered no, skip
21 to question 12.

22 11. In reaching an agreement with Tracy Westen and Linda Lawson to transfer their
23 Ameriprise annuity, did Derek Westen intend to hinder, delay or defraud one of Tracy
24 Westen's and Linda Lawson's creditors?

25 ___ YES ___ NO

26 Proceed to question 12.

27 12. Did Derek Westen give substantial assistance or encouragement to Tracy Westen
28 and Linda Lawson to make the transfer of their Ameriprise annuity?

1 ___ YES ___ NO

2 If your answer to question 12 is yes, then answer question 13. If you answered no, skip
3 to question 14.

4 13. In providing substantial assistance or encouragement to Tracy Westen and
5 Linda Lawson with respect to the transfer of their Ameriprise annuity, did Derek Westen
6 intend to hinder, delay or defraud one of Tracy Westen's and Linda Lawson's creditors?

7 ___ YES ___ NO

8 Proceed to question 14.

9 **ISSUE NO. 2: TEXAS HOUSE**

10 14. Does Nicole Nagel have a right to payment from Tracy Westen and Linda Lawson
11 pursuant to her judgment against them?

12 YES ___ NO

13 If your answer to question 14 is yes, then answer question 15. If you answered no, skip
14 to question 27.

15 15. Did Tracy Westen and Linda Lawson's purchase of a home in Texas and claim of
16 a homestead exemption there constitute a transfer?

17 YES ___ NO

18 If your answer to question 15 is yes, then answer question 16. If you answered no, skip
19 to question 27.

20 16. Did Tracy Westen and Linda Lawson purchase a home in Texas and claim a
21 homestead exemption there with the intent to hinder, delay, or defraud one of their creditors?

22 YES ___ NO

23 If your answer to question 16 is yes, then answer question 17. If you answered no, skip
24 to question 27.

25
26 17. Did Nicole Nagel incur harm?

27 YES ___ NO

28 If your answer to question 17 is yes, then answer question 18. If you answered no, skip

1 to question 27.

2 18. Was Tracy Westen's and Linda Lawson's purchase of a home in Texas and claim
3 of a homestead exemption there a substantial factor in causing c harm to Nicole Nagel?

4 YES NO

5 If your answer to question 18 is yes, then answer question 19. If you answered no, skip
6 to question 27.

7 19. What is the amount of Nicole Nagel's economic damages related to Tracy
8 Westen's and Linda Lawson's purchase of a home in Texas and claim of a homestead
9 exemption there?

10 \$ 1,884,966.00

11 Answer question 20.

12 20. Was Tracy Westen's and Linda Lawson's purchase of a home in Texas and claim
13 of a homestead exemption there a substantial factor in causing Nicole Nagel to suffer physical
14 or emotional injuries?

15 YES NO

16 If your answer to question 20 is yes, then answer question 21. If you answered no, skip
17 to question 22.

18 21. What is the amount of damages for Nicole Nagel's physical or emotional injuries
19 caused by Tracy Westen's and Linda Lawson's purchase of a home in Texas and claim of a
20 homestead exemption there?

21 \$ 150,000.00

22 Proceed to question 22.

23 22. Did Derek Westen know that Tracy Westen and Linda Lawson were going to
24 purchase a home in Texas and claim a homestead exemption there with the intent to hinder,
25 delay or defraud one of Tracy Westen's and Linda Lawson's creditors?

26 YES NO

27 If your answer to question 22 is yes, then answer question 23. If you answered no, skip
28 to question 27.

1 23. Did Derek Westen agree with and intend that Tracy Westen and Linda Lawson
2 purchase a home in Texas and claim a homestead exemption there with the intent to hinder,
3 delay, or defraud one of Tracy Westen's and Linda Lawson's creditors?

4 ___ YES ~~X~~ NO

5 If your answer to question 23 is yes, then answer question 24. If you answered no, skip
6 to question 25.

7 24. In reaching an agreement with Tracy Westen and Linda Lawson regarding the
8 purchase of a home in Texas and claim of a homestead exemption there, did Derek Westen
9 intend to hinder, delay or defraud one of Tracy Westen's and Linda Lawson's creditors?

10 ___ YES ___ NO

11 Proceed to question 25.

12 25. Did Derek Westen give substantial assistance or encouragement to Tracy Westen
13 and Linda Lawson with respect to the purchase of a home in Texas and claim of a homestead
14 exemption there?

15 ___ YES ~~X~~ NO

16 If your answer to question 25 is yes, then answer question 26. If you answered no, skip
17 to question 27.

18 26. In giving substantial assistance or encouragement to Tracy Westen and Linda
19 Lawson with respect to purchasing a home in Texas and claiming a homestead exemption
20 there, did Derek Westen intend to hinder, delay or defraud one of Tracy Westen's and Linda
21 Lawson's creditors?

22 ___ YES ___ NO

23 Proceed to question 27.

24 **ISSUE NO. 3: WESTEN FAMILY GROUP INTEREST**

25 27. Does Nicole Nagel have a right to payment from Tracy Westen and Linda Lawson
26 pursuant to her judgment against them?

27 ~~X~~ YES ___ NO

28

1 If your answer to question 27 is yes, then answer question 28. If you answered no, stop
2 here, answer no further questions, and have the presiding juror sign and date this form.

3 28. Did Tracy Westen and Linda Lawson transfer all or part of their economic
4 interest in Westen Family Group, a California limited liability company to Westen Family
5 Group, a Nevada limited liability company?

6 YES NO

7 If your answer to question 28 is yes, then answer question 29. If you answered no, stop
8 here, answer no further questions, and have the presiding juror sign and date this form.

9 29. Did Tracy Westen and Linda Lawson transfer their economic interest in Westen
10 Family Group, LLC with the intent to hinder, delay, or defraud one of their creditors?

11 YES NO

12 If your answer to question 29 is yes, then answer question 30. If you answered no, stop
13 here, answer no further questions, and have the presiding juror sign and date this form.

14 30. Did Nicole Nagel incur harm?

15 YES NO

16 If your answer to question 30 is yes, then answer question 31. If you answered no, stop
17 here, answer no further questions, and have the presiding juror sign and date this form.

18 31. Was the transfer of Tracy Westen's and Linda Lawson's economic interest in
19 Westen Family Group, LLC a substantial factor in causing harm to Nicole Nagel?

20 YES NO

21 If your answer to question 31 is yes, then answer question 32. If you answered no, stop
22 here, answer no further questions, and have the presiding juror sign and date this form.

23 32. What is the amount of Nicole Nagel's economic damages related to the transfer
24 Tracy Westen's and Linda Lawson's economic interest in Westen Family Group, LLC?

25 \$ 0.0

26 Answer question 33.

27 33. Was the transfer of Tracy Westen's and Linda Lawson's economic interest in
28 Westen Family Group, LLC, a substantial factor in causing Nicole Nagel to suffer physical or

1 emotional injuries?

2 YES NO

3 If your answer to question 33 is yes, then answer question 34. If you answered no, skip
4 to question 35.

5 34. What is the amount of damages for Nicole Nagel's physical or emotional injuries
6 caused by the transfer of Tracy Westen's and Linda Lawson's economic interest in Westen
7 Family Group, LLC?

8 \$ 50,000.00

9 Proceed to question 35.

10 35. Did Derek Westen know that Tracy Westen and Linda Lawson were going to
11 transfer their economic interest in Westen Family Group, LLC with the intent to hinder, delay
12 or defraud one of Tracy Westen's and Linda Lawson's creditors?

13 YES NO

14 If your answer to question 35 is yes, then answer question 36. If you answered no, stop
15 here, answer no further questions, and have the presiding juror sign and date this form.

16 36. Did Derek Westen agree with and intend that Tracy Westen and Linda Lawson
17 transfer their economic interest in Westen Family Group, LLC with the intent to hinder, delay,
18 or defraud one of Tracy Westen's and Linda Lawson's creditors?

19 YES NO

20 If your answer to question 36 is yes, then answer question 37. If you answered no, skip
21 to question 38.

22 37. In agreeing with Tracy Westen and Linda Lawson to transfer their economic
23 interest in Westen Family Group, LLC, did Derek Westen intend to hinder, delay or defraud one
24 of Tracy Westen's and Linda Lawson's creditors?

25 YES NO

26 Proceed to question 38.

27 38. Did Derek Westen give substantial assistance or encouragement to Tracy Westen
28 and Linda Lawson to make the transfer of their economic interest in Westen Family Group,

1 LLC?

2 YES NO

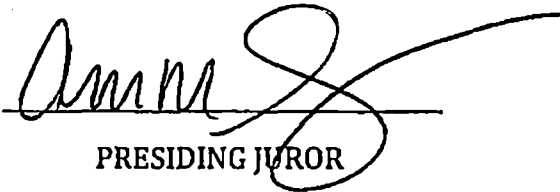
3 If your answer to question 38 is yes, then answer question 39. If you answered no, stop
4 here, answer no further questions, and have the presiding juror sign and date this form.

5 39. In giving substantial assistance or encouragement to Tracy Westen and Linda
6 Lawson, did Derek Westen intend to hinder, delay or defraud one of Tracy Westen's and Linda
7 Lawson's creditors?

8 YES NO

9

10
11 Dated: 09/08/2022


PRESIDING JUROR

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

EXHIBIT B

SEP 08 2022

Darrel E. Parker, Executive Officer
BY Kristl Temple
Kristl Temple, Deputy Clerk

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA
ANACAPA DIVISION

NICOLE NAGEL, an individual; ESY
INVESTMENTS, LLC, a California limited
liability company,

Plaintiffs,

v.

TRACY A. WESTEN and LINDA LAWSON,
individually and as trustees of the WESTEN
AND LAWSON TRUST U/A DATED MAY 8,
1999, aka THE WESTEN-LAWSON 1999
REVOCABLE TRUST; DEREK WESTEN,
WESTEN FAMILY TRUST U/A DATED JULY 2,
1999, PETER K. WESTEN, WESTEN 2010
TRUST U/A DATED JULY 28, 2010, WESTEN
FAMILY GROUP, LLC and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 15CV01178

**SPECIAL VERDICT FORM REGARDING
DEFENDANT PETER WESTEN**

[Assigned to Hon. Donna D. Geck]

We, the jury in the above-entitled action, answer the questions submitted to us as
follows:

///
///
///

1 **ISSUE NO. 1: ANNUITY**

2 1. Does Nicole Nagel have a right to payment from Tracy Westen and Linda Lawson
3 pursuant to her judgment against them?

4 YES NO

5 If your answer to question 1 is yes, then answer question 2. If you answered no, skip to
6 question 14.

7 2. Did Tracy Westen and Linda Lawson transfer their Ameriprise annuity?

8 YES NO

9 If your answer to question 2 is yes, then answer question 3. If you answered no, skip to
10 question 14.

11 3. Did Tracy Westen and Linda Lawson transfer their Ameriprise annuity with the
12 intent to hinder, delay, or defraud one of their creditors?

13 YES NO

14 If your answer to question 3 is yes, then answer question 4. If you answered no, skip to
15 question 14.

16 4. Did Nicole Nagel incur harm?

17 YES NO

18 If your answer to question 4 is yes, then answer question 5. If you answered no, skip to
19 question 14.

20 5. Was the transfer of the Ameriprise annuity a substantial factor in causing harm
21 to Nicole Nagel?

22 YES NO

23 If your answer to question 5 is yes, then answer question 6. If you answered no, skip to
24 question 14.

25 6. What is the amount of Nicole Nagel's economic damages related to the transfer
26 of the Ameriprise annuity?

27 \$ _____

28 Answer question 7.

1 7. Was the transfer of the Ameriprise annuity a substantial factor in causing Nicole
2 Nagel to suffer physical or emotional injuries?

3 ___ YES ___ NO

4 If your answer to question 7 is yes, then answer question 8. If you answered no, skip to
5 question 9.

6 8. What is the amount of damages for Nicole Nagel's physical or emotional injuries
7 related to the transfer of the Ameriprise annuity?

8 \$ _____

9 Proceed to question 9.

10 9. Did Peter Westen know that Tracy Westen and Linda Lawson were going to
11 transfer their Ameriprise annuity with the intent to hinder, delay or defraud one of their
12 creditors?

13 ___ YES ___ NO

14 If your answer to question 9 is yes, then answer question 10. If you answered no, skip
15 to question 14.

16 10. Did Peter Westen agree with and intend that Tracy Westen and Linda Lawson
17 transfer their Ameriprise annuity with the intent to hinder, delay, or defraud one of Tracy
18 Westen's and Linda Lawson's creditors?

19 ___ YES ___ NO

20 If your answer to question 10 is yes, then answer question 11. If you answered no, skip
21 to question 12.

22 11. In reaching an agreement with Tracy Westen and Linda Lawson to transfer their
23 Ameriprise annuity, did Peter Westen intend to hinder, delay or defraud one of Tracy Westen's
24 and Linda Lawson's creditors?

25 ___ YES ___ NO

26 Proceed to question 12.

27 12. Did Peter Westen give substantial assistance or encouragement to Tracy Westen
28 and Linda Lawson to make the transfer of their Ameriprise annuity?

1 YES NO

2 If your answer to question 12 is yes, then answer question 13. If you answered no, skip
3 to question 14.

4 13. In providing substantial assistance or encouragement to Tracy Westen and
5 Linda Lawson with respect to the transfer of their Ameriprise annuity, did Peter Westen intend
6 to hinder, delay or defraud one of Tracy Westen's and Linda Lawson's creditors?

7 YES NO

8 Proceed to question 14.

9 **ISSUE NO. 2: TEXAS HOUSE**

10 14. Does Nicole Nagel have a right to payment from Tracy Westen and Linda Lawson
11 pursuant to her judgment against them?

12 YES NO

13 If your answer to question 14 is yes, then answer question 15. If you answered no, skip
14 to question 27.

15 15. Did Tracy Westen and Linda Lawson's purchase of a home in Texas and claim of
16 a homestead exemption there constitute a transfer?

17 YES NO

18 If your answer to question 15 is yes, then answer question 16. If you answered no, skip
19 to question 27.

20 16. Did Tracy Westen and Linda Lawson purchase a home in Texas and claim a
21 homestead exemption there with the intent to hinder, delay, or defraud one of their creditors?

22 YES NO

23 If your answer to question 16 is yes, then answer question 17. If you answered no, skip
24 to question 27.

25 17. Did Nicole Nagel incur harm?

26 YES NO

27 If your answer to question 17 is yes, then answer question 18. If you answered no, skip
28 to question 27.

1 18. Was Tracy Westen's and Linda Lawson's purchase of a home in Texas and claim
2 of a homestead exemption there a substantial factor in causing harm to Nicole Nagel?

3 YES NO

4 If your answer to question 18 is yes, then answer question 19. If you answered no, skip
5 to question 27.

6 19. What is the amount of Nicole Nagel's economic damages related to Tracy
7 Westen's and Linda Lawson's purchase of a home in Texas and claim of a homestead
8 exemption there?

9 \$ 1,884,966.00

10 Answer question 20.

11 20. Was Tracy Westen's and Linda Lawson's purchase of a home in Texas and claim
12 of a homestead exemption there a substantial factor in causing Nicole Nagel to suffer physical
13 or emotional injuries?

14 YES NO

15 If your answer to question 20 is yes, then answer question 21. If you answered no, skip
16 to question 22.

17 21. What is the amount of damages for Nicole Nagel's physical or emotional injuries
18 caused by Tracy Westen's and Linda Lawson's purchase of a home in Texas and claim of a
19 homestead exemption there?

20 \$ 150,000.00

21 Proceed to question 22.

22 22. Did Peter Westen know that Tracy Westen and Linda Lawson were going to
23 purchase a home in Texas and claim a homestead exemption there with the intent to hinder,
24 delay or defraud one of Tracy Westen's and Linda Lawson's creditors?

25 YES NO

26 If your answer to question 22 is yes, then answer question 23. If you answered no, skip
27 to question 27.

28 23. Did Peter Westen agree with and intend that Tracy Westen and Linda Lawson

1 purchase a home in Texas and claim a homestead exemption there with the intent to hinder,
2 delay, or defraud one of Tracy Westen's and Linda Lawson's creditors?

3 YES NO

4 If your answer to question 23 is yes, then answer question 24. If you answered no, skip
5 to question 25.

6 24. In reaching an agreement with Tracy Westen and Linda Lawson regarding the
7 purchase of a home in Texas and claim of a homestead exemption there, did Peter Westen
8 intend to hinder, delay or defraud one of Tracy Westen's and Linda Lawson's creditors?

9 YES NO

10 Proceed to question 25.

11 25. Did Peter Westen give substantial assistance or encouragement to Tracy Westen
12 and Linda Lawson with respect to the purchase of a home in Texas and claim of a homestead
13 exemption there?

14 YES NO

15 If your answer to question 25 is yes, then answer question 26. If you answered no, skip
16 to question 27.

17 26. In giving substantial assistance or encouragement to Tracy Westen and Linda
18 Lawson with respect to purchasing a home in Texas and claiming a homestead exemption
19 there, did Peter Westen intend to hinder, delay or defraud one of Tracy Westen's and Linda
20 Lawson's creditors?

21 YES NO

22 Proceed to question 27.

23 **ISSUE NO. 3: WESTEN FAMILY GROUP INTEREST**

24 27. Does Nicole Nagel have a right to payment from Tracy Westen and Linda Lawson
25 pursuant to her judgment against them?

26 YES NO

27 If your answer to question 27 is yes, then answer question 28. If you answered no, stop
28 here, answer no further questions, and have the presiding juror sign and date this form.

1 28. Did Tracy Westen and Linda Lawson transfer all or part of their economic
2 interest in Westen Family Group, a California limited liability company to Westen Family
3 Group, a Nevada limited liability company?

4 YES ___ NO

5 If your answer to question 28 is yes, then answer question 29. If you answered no, stop
6 here, answer no further questions, and have the presiding juror sign and date this form.

7 29. Did Tracy Westen and Linda Lawson transfer their economic interest in Westen
8 Family Group, LLC with the intent to hinder, delay, or defraud one of their creditors?

9 YES ___ NO

10 If your answer to question 29 is yes, then answer question 30. If you answered no, stop
11 here, answer no further questions, and have the presiding juror sign and date this form.

12 30. Did Nicole Nagel incur harm?

13 YES ___ NO

14 If your answer to question 30 is yes, then answer question 31. If you answered no, stop
15 here, answer no further questions, and have the presiding juror sign and date this form.

16 31. Was the transfer of Tracy Westen's and Linda Lawson's economic interest in
17 Westen Family Group, LLC a substantial factor in causing harm to Nicole Nagel?

18 YES ___ NO

19 If your answer to question 31 is yes, then answer question 32. If you answered no, stop
20 here, answer no further questions, and have the presiding juror sign and date this form.

21 32. What is the amount of Nicole Nagel's economic damages related to the transfer
22 Tracy Westen's and Linda Lawson's economic interest in Westen Family Group, LLC?

23 \$ 0.0

24 Answer question 33.

25 33. Was the transfer of Tracy Westen's and Linda Lawson's economic interest in
26 Westen Family Group, LLC, a substantial factor in causing Nicole Nagel to suffer physical or
27 emotional injuries?

28 YES ___ NO

1 If your answer to question 33 is yes, then answer question 34. If you answered no, skip
2 to question 35.

3 34. What is the amount of damages for Nicole Nagel's physical or emotional injuries
4 caused by the transfer of Tracy Westen's and Linda Lawson's economic interest in Westen
5 Family Group, LLC?

6 \$ 50,000.00

7 Proceed to question 35.

8 35. Did Peter Westen know that Tracy Westen and Linda Lawson were going to
9 transfer their economic interest in Westen Family Group, LLC with the intent to hinder, delay
10 or defraud one of Tracy Westen's and Linda Lawson's creditors?

11 YES NO

12 If your answer to question 35 is yes, then answer question 36. If you answered no, stop
13 here, answer no further questions, and have the presiding juror sign and date this form.

14 36. Did Peter Westen agree with and intend that Tracy Westen and Linda Lawson
15 transfer their economic interest in Westen Family Group, LLC with the intent to hinder, delay,
16 or defraud one of Tracy Westen's and Linda Lawson's creditors?

17 YES NO

18 If your answer to question 36 is yes, then answer question 37. If you answered no, skip
19 to question 38.

20 37. In agreeing with Tracy Westen and Linda Lawson to transfer their economic
21 interest in Westen Family Group, LLC, did Peter Westen intend to hinder, delay or defraud one
22 of Tracy Westen's and Linda Lawson's creditors?

23 YES NO

24 Proceed to question 38.

25 38. Did Peter Westen give substantial assistance or encouragement to Tracy Westen
26 and Linda Lawson to make the transfer of their economic interest in Westen Family Group,
27 LLC?

28 YES NO


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

If your answer to question 38 is yes, then answer question 39. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

39. In giving substantial assistance or encouragement to Tracy Westen and Linda Lawson, did Peter Westen intend to hinder, delay or defraud one of Tracy Westen's and Linda Lawson's creditors?

YES NO

Dated: 09/08/2022



PRESIDING JUROR

EXHIBIT C

SEP 08 2022

Darrel E. Parker, Executive Officer
BY *Kristl Temple*
Kristl Temple, Deputy Clerk

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA
ANACAPA DIVISION

NICOLE NAGEL, an individual; ESY
INVESTMENTS, LLC, a California limited
liability company,

Plaintiffs,

v.

TRACY A. WESTEN and LINDA LAWSON,
individually and as trustees of the WESTEN
AND LAWSON TRUST U/A DATED MAY 8,
1999, aka THE WESTEN-LAWSON 1999
REVOCABLE TRUST; DEREK WESTEN,
WESTEN FAMILY TRUST U/A DATED JULY 2,
1999, PETER K. WESTEN, WESTEN 2010
TRUST U/A DATED JULY 28, 2010, WESTEN
FAMILY GROUP, LLC and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 15CV01178

**SPECIAL VERDICT FORM REGARDING
DEFENDANT WESTEN FAMILY GROUP, LLC**

[Assigned to Hon. Donna D. Geck]

We, the jury in the above-entitled action, answer the questions submitted to us as
follows:

///
///
///

1 **ISSUE NO. 1: ANNUITY**

2 1. Does Nicole Nagel have a right to payment from Tracy Westen and Linda Lawson
3 pursuant to her judgment against them?

4 YES NO

5 If your answer to question 1 is yes, then answer question 2. If you answered no, skip to
6 question 14.

7 2. Did Tracy Westen and Linda Lawson transfer their Ameriprise annuity?

8 YES NO

9 If your answer to question 2 is yes, then answer question 3. If you answered no, skip to
10 question 14.

11 3. Did Tracy Westen and Linda Lawson transfer their Ameriprise annuity with the
12 intent to hinder, delay, or defraud one of their creditors?

13 YES NO

14 If your answer to question 3 is yes, then answer question 4. If you answered no, skip to
15 question 14.

16 4. Did Nicole Nagel incur harm?

17 YES NO

18 If your answer to question 4 is yes, then answer question 5. If you answered no, skip to
19 question 14.

20 5. Was the transfer of the Ameriprise annuity a substantial factor in causing harm
21 to Nicole Nagel?

22 YES NO

23 If your answer to question 5 is yes, then answer question 6. If you answered no, skip to
24 question 14.

25 6. What is the amount of Nicole Nagel's economic damages related to the transfer
26 of the Ameriprise annuity?

27 \$ _____

28 Answer question 7.

1 7. Was the transfer of the Ameriprise annuity a substantial factor in causing Nicole
2 Nagel to suffer physical or emotional injuries?

3 ___ YES ___ NO

4 If your answer to question 7 is yes, then answer question 8. If you answered no, skip to
5 question 9.

6 8. What is the amount of damages for Nicole Nagel's physical or emotional injuries
7 related to the transfer of the Ameriprise annuity?

8 \$ _____

9 Proceed to question 9.

10 9. Did Westen Family Group, LLC know that Tracy Westen and Linda Lawson were
11 going to transfer their Ameriprise annuity with the intent to hinder, delay or defraud one of
12 their creditors?

13 ___ YES ___ NO

14 If your answer to question 9 is yes, then answer question 10. If you answered no, skip
15 to question 14.

16 10. Did Westen Family Group, LLC agree with and intend that Tracy Westen and
17 Linda Lawson transfer their Ameriprise annuity with the intent to hinder, delay, or defraud
18 one of Tracy Westen's and Linda Lawson's creditors?

19 ___ YES ___ NO

20 If your answer to question 10 is yes, then answer question 11. If you answered no, skip
21 to question 12.

22 11. In reaching an agreement with Tracy Westen and Linda Lawson to transfer their
23 Ameriprise annuity, did Westen Family Group, LLC intend to hinder, delay or defraud one of
24 Tracy Westen's and Linda Lawson's creditors?

25 ___ YES ___ NO

26 Proceed to question 12.

27 12. Did Westen Family Group, LLC give substantial assistance or encouragement to
28 Tracy Westen and Linda Lawson to make the transfer of their Ameriprise annuity?

1 YES NO

2 If your answer to question 12 is yes, then answer question 13. If you answered no, skip
3 to question 14.

4 13. In providing substantial assistance or encouragement to Tracy Westen and
5 Linda Lawson with respect to the transfer of their Ameriprise annuity, did Westen Family
6 Group, LLC intend to hinder, delay or defraud one of Tracy Westen's and Linda Lawson's
7 creditors?

8 YES NO

9 Proceed to question 14.

10 **ISSUE NO. 2: TEXAS HOUSE**

11 14. Does Nicole Nagel have a right to payment from Tracy Westen and Linda Lawson
12 pursuant to her judgment against them?

13 YES NO

14 If your answer to question 14 is yes, then answer question 15. If you answered no, skip
15 to question 27.

16 15. Did Tracy Westen and Linda Lawson's purchase of a home in Texas and claim of
17 a homestead exemption there constitute a transfer?

18 YES NO

19 If your answer to question 15 is yes, then answer question 16. If you answered no, skip
20 to question 27.

21 16. Did Tracy Westen and Linda Lawson purchase a home in Texas and claim a
22 homestead exemption there with the intent to hinder, delay, or defraud one of their creditors?

23 YES NO

24 If your answer to question 16 is yes, then answer question 17. If you answered no, skip
25 to question 27.

26 17. Did Nicole Nagel incur harm?

27 YES NO

28

1 If your answer to question 17 is yes, then answer question 18. If you answered no, skip
2 to question 27.

3 18. Was Tracy Westen's and Linda Lawson's purchase of a home in Texas and claim
4 of a homestead exemption there a substantial factor in causing harm to Nicole Nagel?

5 YES NO

6 If your answer to question 18 is yes, then answer question 19. If you answered no, skip
7 to question 27.

8 19. What is the amount of Nicole Nagel's economic damages related to Tracy
9 Westen's and Linda Lawson's purchase of a home in Texas and claim of a homestead
10 exemption there?

11 \$ 1,884,966.00

12 Answer question 20.

13 20. Was Tracy Westen's and Linda Lawson's purchase of a home in Texas and claim
14 of a homestead exemption there a substantial factor in causing Nicole Nagel to suffer physical
15 or emotional injuries?

16 YES NO

17 If your answer to question 20 is yes, then answer question 21. If you answered no, skip
18 to question 22.

19 21. What is the amount of damages for Nicole Nagel's physical or emotional injuries
20 caused by Tracy Westen's and Linda Lawson's purchase of a home in Texas and claim of a
21 homestead exemption there?

22 \$ 150,000.00

23 Proceed to question 22.

24 22. Did Westen Family Group, LLC know that Tracy Westen and Linda Lawson were
25 going to purchase a home in Texas and claim a homestead exemption there with the intent to
26 hinder, delay or defraud one of Tracy Westen's and Linda Lawson's creditors?

27 YES NO

28 If your answer to question 22 is yes, then answer question 23. If you answered no, skip

1 to question 27.

2 23. Did Westen Family Group, LLC agree with and intend that Tracy Westen and
3 Linda Lawson purchase a home in Texas and claim a homestead exemption there with the
4 intent to hinder, delay, or defraud one of Tracy Westen's and Linda Lawson's creditors?

5 YES NO

6 If your answer to question 23 is yes, then answer question 24. If you answered no, skip
7 to question 25.

8 24. In reaching an agreement with Tracy Westen and Linda Lawson regarding the
9 purchase of a home in Texas and claim of a homestead exemption there, did Westen Family
10 Group, LLC intend to hinder, delay or defraud one of Tracy Westen's and Linda Lawson's
11 creditors?

12 YES NO

13 Proceed to question 25.

14 25. Did Westen Family Group, LLC give substantial assistance or encouragement to
15 Tracy Westen and Linda Lawson with respect to the purchase of a home in Texas and claim of
16 a homestead exemption there?

17 YES NO

18 If your answer to question 25 is yes, then answer question 26. If you answered no, skip
19 to question 27.

20 26. In giving substantial assistance or encouragement to Tracy Westen and Linda
21 Lawson with respect to purchasing a home in Texas and claiming a homestead exemption
22 there, did Westen Family Group, LLC intend to hinder, delay or defraud one of Tracy Westen's
23 and Linda Lawson's creditors?

24 YES NO

25 Proceed to question 27.

26 **ISSUE NO. 3: WESTEN FAMILY GROUP INTEREST**

27 27. Does Nicole Nagel have a right to payment from Tracy Westen and Linda Lawson
28 pursuant to her judgment against them?

1 YES ___ NO

2 If your answer to question 27 is yes, then answer question 28. If you answered no, stop
3 here, answer no further questions, and have the presiding juror sign and date this form.

4 28. Did Tracy Westen and Linda Lawson transfer all or part of their economic
5 interest in Westen Family Group, a California limited liability company to Westen Family
6 Group, a Nevada limited liability company?

7 YES ___ NO

8 If your answer to question 28 is yes, then answer question 29. If you answered no, stop
9 here, answer no further questions, and have the presiding juror sign and date this form.

10 29. Did Tracy Westen and Linda Lawson transfer their economic interest in Westen
11 Family Group, LLC with the intent to hinder, delay, or defraud one of their creditors?

12 YES ___ NO

13 If your answer to question 29 is yes, then answer question 30. If you answered no, stop
14 here, answer no further questions, and have the presiding juror sign and date this form.

15 30. Did Nicole Nagel incur harm?

16 YES ___ NO

17 If your answer to question 30 is yes, then answer question 31. If you answered no, stop
18 here, answer no further questions, and have the presiding juror sign and date this form.

19 31. Was the transfer of Tracy Westen's and Linda Lawson's economic interest in
20 Westen Family Group, LLC a substantial factor in causing harm to Nicole Nagel?

21 YES ___ NO

22 If your answer to question 31 is yes, then answer question 32. If you answered no, stop
23 here, answer no further questions, and have the presiding juror sign and date this form.

24 32. What is the amount of Nicole Nagel's economic damages related to the transfer
25 Tracy Westen's and Linda Lawson's economic interest in Westen Family Group, LLC?

26 \$ 1,250,000.00

27 Answer question 33.

28 33. Was the transfer of Tracy Westen's and Linda Lawson's economic interest in

1 Westen Family Group, LLC, a substantial factor in causing Nicole Nagel to suffer physical or
2 emotional injuries?

3 YES NO

4 If your answer to question 33 is yes, then answer question 34. If you answered no, skip
5 to question 35.

6 34. What is the amount of damages for Nicole Nagel's physical or emotional injuries
7 caused by the transfer of Tracy Westen's and Linda Lawson's economic interest in Westen
8 Family Group, LLC?

9 \$ 750,000.00

10 Proceed to question 35.

11 35. Did Westen Family Group, LLC know that Tracy Westen and Linda Lawson were
12 going to transfer their economic interest in Westen Family Group, LLC with the intent to
13 hinder, delay or defraud one of Tracy Westen's and Linda Lawson's creditors?

14 YES NO

15 If your answer to question 35 is yes, then answer question 36. If you answered no, stop
16 here, answer no further questions, and have the presiding juror sign and date this form.

17 36. Did Westen Family Group, LLC agree with and intend that Tracy Westen and
18 Linda Lawson transfer their economic interest in Westen Family Group, LLC with the intent to
19 hinder, delay, or defraud one of Tracy Westen's and Linda Lawson's creditors?

20 YES NO

21 If your answer to question 36 is yes, then answer question 37. If you answered no, skip
22 to question 38.

23 37. In agreeing with Tracy Westen and Linda Lawson to transfer their economic
24 interest in Westen Family Group, LLC, did Westen Family Group, LLC intend to hinder, delay or
25 defraud one of Tracy Westen's and Linda Lawson's creditors?

26 YES NO

27 Proceed to question 38.

28 38. Did Westen Family Group, LLC give substantial assistance or encouragement to

1 Tracy Westen and Linda Lawson to make the transfer of their economic interest in Westen
2 Family Group, LLC?

3 YES ___ NO


4 If your answer to question 38 is yes, then answer question 39. If you answered no, stop
5 here, answer no further questions, and have the presiding juror sign and date this form.

6 39. In giving substantial assistance or encouragement to Tracy Westen and Linda
7 Lawson, did Westen Family Group, LLC intend to hinder, delay or defraud one of Tracy
8 Westen's and Linda Lawson's creditors?

9 YES ___ NO

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: 09/08/2022



PRESIDING JUROR