

By **North County Times wire services**

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LOS ANGELES - A judge today threw out a jury's \$33 million damage award to a Miami surgeon who claimed he was a victim of racial profiling and suffered permanent injuries at the hands of [Los Angeles police](#).

In his lawsuit against the Los Angeles Police Department and Budget Rent-A-Car, Dr. Angelo E. Gousse alleged that LAPD officers trying to determine if his rented car was stolen roughed him up during the early hours of Feb. 11, 2001, because he is black.

The 40-year-old Haitian immigrant is a urological reconstructive surgeon on the faculty at the [University of Miami School of Medicine](#). He claimed he sustained nerve damage in his wrists from handcuffs police used on him, and can no longer perform the types of surgery he did before.

Los Angeles Superior Court Judge Elizabeth A. Grimes ordered a new trial on damages, but allowed the verdict in the case to stand, according to Eric Moses of the City Attorney's Office.

Grimes wrote that "the jury awards for Dr. Gousse and Mrs. Gousse are so staggeringly disproportionate to the injuries suffered that the results shock the conscience."

City Attorney Rocky Delgadillo said his office was "pleased that Judge Grimes granted our motion. Our attorneys argued the police acted within their authority to pull over a rental car that had been reported stolen. After trial we believed the jury's determination of damages was excessive and the judge's ruling supports our assertion."

The eight-woman, four-man jury assessed a \$14.2 million award against the LAPD and \$18.8 million against the rental car company, Moses said.

Gousse's wife, Marie-May, was awarded about \$2 million of the judgment for loss of consortium.

The jury did not find that race was a factor, although Gousse had contended he was a victim of racial profiling.

Gousse attorney Browne Greene said his client was "crushed. He can't understand how the jury system could be violated."

But the lawyer said Gousse was willing to go through another trial, despite "going through the horror of living this again."

Greene said he might appeal Grimes' ruling or retry the case, but said he told Gousse he was "happy to go to the ends of the Earth with him."

"I obviously totally disagree with (Grimes') ruling," Greene said. "It's not supported by the evidence. We had overwhelming evidence of the nature of the injuries."

Gousse claimed he was in Los Angeles for a medical conference at UCLA when he was racially profiled by police, pulled over and forced to lie on the ground as officers investigated a report of a stolen car.

Police said they initially stopped Gousse because he appeared to be driving erratically on a freeway, and a computer check showed the license plates on the rental car he was driving were from a vehicle that was reported stolen.

Gousse said he rented the burgundy-colored Ford Taurus at Los Angeles International Airport and was driving on the Santa Monica (10) Freeway, near downtown, when police pulled him over at 2:18 a.m., handcuffed him and made him lie on the pavement.

Gousse said he was unaware that the car Budget gave him at its LAX branch bore the plates of another in its fleet, which was reported stolen. Budget allowed him to exit the lot even though the car's license plate did not match its computer records, he said.

During trial, Gousse's lawyer said his client was arrested for "driving while black," and said his client was treated unreasonably. He also argued that Budget was negligent and took no steps to ensure the car had the proper paperwork.

Police said Gousse was arrested on suspicion of car theft and taken to the Rampart station because officers thought remaining on the freeway to investigate was unsafe.

Deputy City Attorney Christian Bojorquez had asked jurors to look at the case from the point of view of police officers dealing with an apparently stolen car.

She argued "this case is not about 'Driving while black' but about driving a (reportedly) stolen vehicle."