

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

EUGENE DIVISION

ERIC KOZOWSKI, an individual,

Plaintiff,

Case No 6:18-cv-00275-MC

v.

VERDICT

**L. SHANE NELSON, individually and in his
capacity as Deschutes County Sheriff;
DESCHUTES COUNTY, a political
subdivision of the State of Oregon; PAUL
GARRISON, an individual,**

Defendants.

MCSHANE, Judge:

We, the jury, being first duly empanelled and sworn in the above-entitled cause, do
unanimously find as follows:

I. First Amendment Claims Under 42 U.S.C. § 1983

1. Did Eric Kozowski prove by a preponderance of the evidence that his speech on a matter of public concern was a substantial or motivating factor for an adverse employment action taken against him by Shane Nelson?

Yes

No

Proceed to question 2.

2. Did Eric Kozowski prove by a preponderance of the evidence that his running for office was a substantial or motivating factor for an adverse employment action taken against him by Shane Nelson?

Yes

No

A finding of "Yes" on either question above is a finding against Shane Nelson and Deschutes County.

Proceed to question 3.

II. State Law Retaliation Claims under ORS 659A

a. ORS 659A.199 Whistleblowing

3. Did Eric Kozowski prove by a preponderance of the evidence that Deschutes County, acting through Shane Nelson, retaliated against him in response to his complaints of undue influence and/or violations of law and policy?

Yes _____

No

If you answered "Yes" to question 3, proceed to question 4. If you answered "No" to question 3, proceed directly to question 5 and do not answer question 4.

4. Did Eric Kozowski prove by a preponderance of the evidence that Paul Garrison aided and abetted Deschutes County in the retaliation against Eric Kozowski in response to Eric Kozowski's complaints of undue influence and/or violations of law and policy?

Yes _____

No _____

Proceed to question 5.

b. ORS 659A.203 Retaliation by Public Employer

5. Did Eric Kozowski prove by a preponderance of the evidence that Shane Nelson retaliated against him in response to Eric Kozowski's complaints of undue influence and/or violations of law and policy?

Yes

No _____

A finding of "Yes" on question 5 above is a finding against Shane Nelson and Deschutes County. Proceed to question 6.

6. Did Eric Kozowski prove by a preponderance of the evidence that Paul Garrison retaliated against him in response to Eric Kozowski's complaints of undue influence and/or violations of law and policy?

Yes

No X

If you did not answer "Yes" to any of questions 1-6 above, your verdict is for Defendants and you may not answer further questions. Have your foreperson sign and date this verdict.

If you answered "Yes" to any question above, proceed to the damages section below.

III. Damages

What are Plaintiff's damages, if any?

Economic

\$1,062,000⁰⁰

Non-economic

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Punitive Damages are allowed as to Shane Nelson, but not required, if you answered "Yes" to questions 1, 2, or 5. Punitive Damages are allowed as to Deschutes County, but not required, if you answered "Yes" to question 5. Punitive Damages are allowed as to Paul Garrison, but not required, if you answered "Yes" to question 6. What amount of punitive damages, if any, do you award against the following defendants?

Deschutes County

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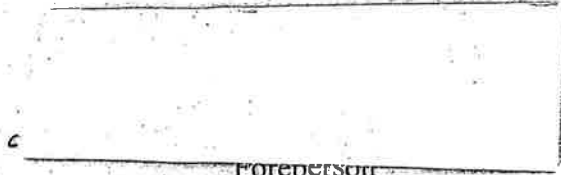
Shane Nelson

\$10,000⁰⁰

Paul Garrison

Please have your foreperson sign and date this Verdict.

DATED this 23 day of August, 2020.

A rectangular box with a black border, used to redact the signature of the foreperson. A thin line extends from the right side of the box.

Foreperson