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AUG 15 2008

05-CV-01270-VRDCT

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KEN MARABLE,

Plaintiff,

No. C05-1270MJP

v.

VERDICT FORM

MARK NITCHMAN, et al.,

Defendants.

We, the Jury, make the following answers to the questions submitted by the Court:

Question No. 1

Has Plaintiff proved his § 1983 claim against Defendant Nitchman?

Answer "Yes" or "No" YES

Question No. 2

Has Plaintiff proved his § 1983 claim against Defendant Phillips?

Answer "Yes" or "No" YES

If you answered "No" to Questions 1 and 2, then sign this form. If you answered "Yes" to either question, then proceed to Question No. 3.

Question No. 3

If you answered "Yes" to Questions 1 or 2, what do you find to be the amount of damages Plaintiff should receive for the violations of his rights under the First Amendment? ~~277,200.00~~

\$ 276,500

1 **Question No. 4**

2 What amount do you award, if any, in punitive damages?

3 As to Defendant Nitchman: 1,250,000

4 As to Defendant Phillips: 1,250,000

5 **Question No. 5**

6 Has Plaintiff shown that the interests served by allowing him to express himself outweighed the
7 state's interest in promoting workplace efficiency and avoiding workplace disruption?

8 Answer "Yes" or "No" YES

9
10 *If your answer to Question No. 5 is "Yes," please answer "Yes" or "No" to the following questions:*

- 11 (a) Have Defendants shown actual injury to their legitimate interests beyond the
12 disruption that necessarily accompanies such speech involving matters of public
13 concern? NO
- 14 (b) Was Plaintiff's speech truthful? YES
- 15 (c) Did Plaintiff's speech impair a supervisor's authority or control over the workplace?
16 NO
- 17 (d) Did Plaintiff's speech disrupt co-worker relations? NO
- 18 (e) Did Plaintiff's speech interfere with his performance of his duties? NO
- 19 (f) Did Plaintiff's speech obstruct the routine operations of the ferries? NO

20
21 SIGNED this 15 day of August, 2008.

22
23 
24 JURY FOREPERSON