

JAMES M. CLEAVENGER,

Plaintiff,

vs.

CAROLYN McDERMED, BRANDON  
LEBRECHT, and SCOTT CAMERON,

Defendants

Case No. 6:13-cv-01908-DOC

**VERDICT FORM**

We, the jury, first being duly sworn, return our verdict as follows:

**CAROLYN McDERMED**

Answer the following questions (1-2) as to Defendant Carolyn McDermed only.

1. Did Carolyn McDermed take an adverse employment action against the plaintiff for which the plaintiff's speech on a matter of public concern was a substantial or motivating factor?

  X   Yes

       No

2. If you answered "Yes" to Question 1, which speech motivated defendant Carolyn McDermed to take adverse employment action against the plaintiff? (Check any and all that apply.)

- When he spoke about TASERS in 2008.
- Complaints that he thought he was not being afforded his rights under the Public Safety Officers' Bill of Rights, in violation of state law.
- Complaints that he thought he was being retaliated against by his supervisors because of the TASERS speech.
- Complaints about the List or Bowl of Dicks List and the time it wasted.
- Complaints about the disparagement of people in the Occupy movement.
- Complaints concerning the legality of his order to only report felonies in September 2012.
- Filing a lawsuit in October 2013 and its contents.

(form continues on Page 2)

**BRANDON LEBRECHT**

Answer the following questions (3-4) as to Defendant Brandon Lebrecht only.

3. Did Brandon Lebrecht take an adverse employment action against the plaintiff for which the plaintiff's speech on a matter of public concern was a substantial or motivating factor?

  X   Yes

       No

4. If you answered "Yes" to Question 3, which speech motivated defendant Brandon Lebrecht to take adverse employment action against the plaintiff? (Check any and all that apply.)

- When he spoke about TASERs in 2008.
- Complaints that he thought he was not being afforded his rights under the Public Safety Officers' Bill of Rights, in violation of state law.
- Complaints about the List or Bowl of Dicks List and the time it wasted.
- Complaints about the disparagement of people in the Occupy movement.
- Complaints concerning the legality of his order to only report felonies in September 2012.
- Filing a lawsuit in October 2013 and its contents.

**SCOTT CAMERON**

Answer the following question (5) as to Defendant Scott Cameron only.

5. Did Scott Cameron take an adverse action, which was reasonably likely to deter protected speech, against the plaintiff in retaliation for plaintiff's speech about TASERs?

  X   Yes

       No

If you answered no to questions 1, 3, and 5, do not continue to questions 6 and 7. Please sign and date this form.

(form continues on Page 3)

**ALL DEFENDANTS**

6. If you answered yes to questions 1, 3, and/or 5 above, what are plaintiff's damages?

\$ 650,000 Economic damages

\$ 0 Noneconomic damages

\$ 0 Nominal damages

If you found that any defendant was not liable, do not answer question 7 as to that defendant.

7. Should the plaintiff be awarded punitive damages against:

a. Carolyn McDermed?

Yes

No

If yes, in what amount? \$ 36,000

b. Brandon Lebrecht?


Yes

No

If yes, in what amount? \$ 51,000

c. Scott Cameron?

Yes

  No

If yes, in what amount? \$ 18,000

DATED: September 25, 2015.