

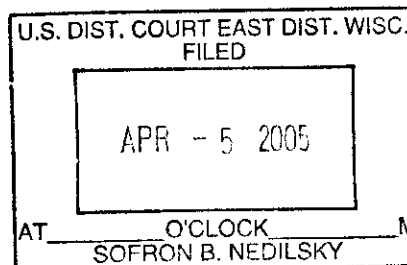
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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

STEVEN J. ALEXANDER,  
KEITH A. BALASH, CHARLES A.  
BERARD, MICHAEL R. BRUNOW,  
JAMES C. CLEVELAND,  
JOSEPH J. FARINA, JOHN MALLOY  
HAGEN, WILLIAM E. HEINEN,  
WAYNE W. JENSEN, THOMAS P.  
KLUSMAN, EDWARD N. LIEBRECHT,  
RONALD G. QUACKENBUSH,  
ANTHONY T. SMITH, STEVEN J.  
SPINGOLA, KIM R. STACK,  
DAVID C. VAHL, and MICHAEL D.  
YOUNG,

Plaintiffs,

Case No. 03-C-611



v.

CITY OF MILWAUKEE, POLICE CHIEF  
ARTHUR JONES, individually and in his  
official capacities, MILWAUKEE BOARD  
OF FIRE AND POLICE COMMISSIONERS,  
CHAIRMAN WOODY WELCH,  
VICE-CHAIRMAN CARLA Y. CROSS,  
COMMISSIONER ERIC M. JOHNSON,  
COMMISSIONER LEONARD J. SOBCHAK,  
COMMISSIONER ERNESTO A. BACA,  
individually and in their official capacities,

Defendants.

**SPECIAL VERDICT**

We, the Jury in the above-entitled case, having been duly impaneled and sworn to try the issues, find for our special verdict as follows:

QUESTION NO. 1:

(1) What sum of money, if any, will fairly and reasonably compensate Plaintiff

Steven Alexander for compensatory damages?

\$ 19,000.<sup>00</sup>

(2) What sum of money, if any, will fairly and reasonably compensate Plaintiff

Keith Balash for compensatory damages?

\$ 25,000.<sup>00</sup>

(3) What sum of money, if any, will fairly and reasonably compensate Plaintiff

Charles Berard for compensatory damages?

\$ 22,000.<sup>00</sup>

(4) What sum of money, if any, will fairly and reasonably compensate Plaintiff

Michael Brunow for compensatory damages?

\$ 31,500.<sup>00</sup>

(5) What sum of money, if any, will fairly and reasonably compensate Plaintiff

James Cleveland for compensatory damages?

\$ 19,000.<sup>00</sup>

(6) What sum of money, if any, will fairly and reasonably compensate Plaintiff

Joseph Farina for compensatory damages?

\$ 9500.<sup>00</sup>

(7) What sum of money, if any, will fairly and reasonably compensate Plaintiff

John M. Hagen for compensatory damages?

\$ 47,000.<sup>00</sup>

(8) What sum of money, if any, will fairly and reasonably compensate Plaintiff

William E. Heinen for compensatory damages?

\$ 9500.<sup>00</sup>

(9) What sum of money, if any, will fairly and reasonably compensate Plaintiff

Wayne W. Jensen for compensatory damages?

\$ 34,500.<sup>00</sup>

(10) What sum of money, if any, will fairly and reasonably compensate Plaintiff

Thomas P. Klusman for compensatory damages?

\$ 9500.<sup>00</sup>

(11) What sum of money, if any, will fairly and reasonably compensate Plaintiff

Edward Liebrecht for compensatory damages?

\$ 47,000.<sup>00</sup>

(12) What sum of money, if any, will fairly and reasonably compensate Plaintiff

Ronald Quackenbush for compensatory damages?

\$ 40,500.<sup>00</sup>

(13) What sum of money, if any, will fairly and reasonably compensate Plaintiff

Anthony T. Smith for compensatory damages?

\$ 9500.<sup>00</sup>

(14) What sum of money, if any, will fairly and reasonably compensate Plaintiff

Steven J. Spingola for compensatory damages?

\$ 19,000.<sup>00</sup>

(15) What sum of money, if any, will fairly and reasonably compensate Plaintiff

Kim R. Stack for compensatory damages?

\$ 25,000.<sup>00</sup>

(16) What sum of money, if any, will fairly and reasonably compensate Plaintiff

David C. Vahl for compensatory damages?

\$ 50,000.<sup>00</sup>

(17) What sum of money, if any, will fairly and reasonably compensate Plaintiff

Michael D. Young for compensatory damages?

\$ 47,000.<sup>00</sup>

QUESTION NO. 2:

Did the Defendants Arthur L. Jones, Robert Welch, Carla Cross, Ernesto A. Baca, Eric Mandel Johnson and Leonard J. Sobczak, or either of them, engage in extraordinary conduct that was maliciously, wantonly, or oppressively done in a manner that caused actual injury or damage to the Plaintiffs?

Arthur Jones	Yes <u>X</u>	No _____
Robert Welch	Yes <u>X</u>	No _____
Carla Cross	Yes <u>X</u>	No _____
Ernesto A. Baca	Yes <u>X</u>	No _____
Eric Mandel Johnson	Yes <u>X</u>	No _____
Leonard J. Sobczak	Yes <u>X</u>	No _____

QUESTION NO. 3:

If you answered Question No. 2 “yes,” then answer Question No. 3.

What sum of money, if any, do you assess against the Defendants ” listed below for whom you answered “yes” as punitive damages?

Name	Jones	Welch	Cross	Baca	Johnson	Sobczak
Steven Alexander	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>
Keith Balash	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>
Charles Berard	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>
Michael Brunow	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>
James Cleveland	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>
Joseph Farina	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>
John Hagen	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>
William Heinen	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>
Wayne Jensen	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>
Thomas Klusman	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>
Edward Liebrecht	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>
Ronald Quackenbush	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>
Anthony Smith	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>
Steven Spingola	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>
Kim Stack	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>
David Vahl	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>
Michael Young	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>	17,000. <sup>00</sup>

QUESTION NO. 4:

As to each date of promotion you found discrimination had occurred with respect to each Plaintiff, state the percentage chance that each Plaintiff would have been promoted to captain of police on that earliest date, keeping in mind the other qualified Plaintiffs as of that date. Your total percentage for that Plaintiff can be less than 100%; however, overall the total of all

percentages for each Plaintiff on that date cannot exceed 100%. Your answer may, if you so find, be 100% on a single date, or a variety of percentages on different dates so long as the total across each date does not exceed 100%. The total over all dates may also be less than 100%. Keep in mind also, that as to specific dates of promotion, the total percentages for all Plaintiffs on that date should not exceed 100%.

(1) Steven Alexander:

Percentage:  
50%

Date:  
3-3-02

(2) Keith Balash:

Percentage:  
80%

Date:  
3-4-01

(3) Charles Berard:

Percentage:  
80%

Date:  
5-12-02

(4) Michael Brunow:

Percentage:  
80%

Date:  
3-7-99

(5) Jame4s Cleveland:

Percentage:  
80%

Date:  
6-24-01

(6) Joseph Farina:

Percentage:  
\_\_\_\_\_

Date:  
\_\_\_\_\_

(7) John M. Hagen:

Percentage:

~~100%~~ 80%

Date:

1-11-98

(8) William Heinen:

Percentage:

\_\_\_\_\_

Date:

\_\_\_\_\_

(9) Wayne Jensesn:

Percentage:

~~100%~~ 80%

Date:

1-9-2000

(10) Thomas Kusman:

Percentage:

\_\_\_\_\_

Date:

\_\_\_\_\_

(11) Edward Liebrecht:

Percentage:

80%

Date:

6-28-98

(12) Ronald Quackenbush:

Percentage:

80%

Date:

10-1-2000

(13) Anthony Smith:

Percentage:

50%

Date:

3-3-02

(14) Steven Spingola:

Percentage:

80%

Date:

1-21-01

(15) Kim Stack:

Percentage:

\_\_\_\_\_

Date:

\_\_\_\_\_

(16) David Vahl:

Percentage:

80%

Date:

3-19-97

(17) Michael Young:

Percentage:

80%

Date:

5-4-97

We, the jury unanimously find the facts to be as indicated in our answers to the foregoing questions.

Dated this 5 day of APRIL, 2005.

Thomas J. Shesell  
Foreperson

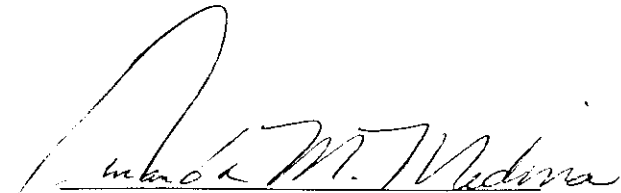
Watah Renee Cole  
Juror

Mareen Martin  
Juror

Sam L. Hilton  
Juror

Kay E. Bloodorn  
Juror

James Dalrymple  
Juror

A handwritten signature in black ink, reading "Michael M. Medina". The signature is written in a cursive style with a large, looping initial "M".

Juror

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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COMMISSIONER ERIC M. JOHNSON,  
COMMISSIONER LEONARD J. SOBCZAK,  
COMMISSIONER ERNESTO A. BACA,  
individually and in their official capacities,

Defendants.

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**ORDER**

After conferring with the parties to this action following the return of the jury's verdict on damages, the court ORDERS that, on or before noon on May 5, 2005,

the Plaintiffs and Defendants shall serve and file briefs and any other papers supporting the Plaintiffs' or Defendants' position on the claims for relief to be heard by the court. The parties may serve and file reply briefs on or before noon on May 17, 2005. The parties must reduce damage amounts to present value, when appropriate.

IT IS FURTHER ORDERED that the Plaintiffs' remaining claims for relief will be tried to the court on May 19, 2005, at 9:30 a.m.

Done and Ordered in Chambers at the United States Courthouse, Milwaukee, Wisconsin, this 8th day of April, 2005.

s/ Thomas J. Curran  
Thomas J. Curran  
United States District Judge

U.S. District Court  
Eastern District of Wisconsin

Alexander et al

vs

City of Milwaukee et al

No. 2:03-cv-00611-TJC

Thomas J Curran, presiding

Jury Instructions

Doc. No. 165

Electronic Document Filing System

Filed: 04/05/2005

Entered: 04/07/2005

You have found that Plaintiffs have proven their claims against Defendants, and you must now determine what amount of damages, if any, the individual Plaintiffs are entitled to recover.

Plaintiff must prove his damages by a preponderance of the evidence. Your award must be based on evidence and not speculation or guesswork. This does not mean, however, that compensatory damages are restricted to the actual loss of money; they include both the physical and mental aspects of injury, even if they are not easy to measure.

In calculating damages, you should not consider the issue of lost wages and benefits. The court will calculate and determine any damages for past or future lost wages and benefits. You should consider the following types of compensatory damages, and no others:

The physical and mental/emotional pain and suffering, embarrassment and loss of reputation or good name that Plaintiff has experienced and is reasonably certain to experience in the future. No evidence of the dollar value of physical or mental/emotional pain and suffering, embarrassment or loss of reputation or good name has been or needs to be introduced. There is no exact standard for setting the damages to be awarded on account of pain and suffering. You are to determine an amount that will fairly compensate each Plaintiff individually for the injury he has sustained.

Having found for the Plaintiffs, you may, but are not required to, assess punitive damages against one or more of the Defendants. The purposes of punitive damages are to punish a Defendant for his or her conduct and to serve as an example or warning to a Defendant and others not to engage in similar conduct in the future.

Each Plaintiff must prove by a preponderance of the evidence that punitive damages should be assessed against one or more Defendants. You may assess punitive damages only if you find that the conduct was malicious or in reckless disregard of Plaintiff's rights. Conduct is malicious if it is accompanied by ill will or spite, or is done for the purpose of injuring Plaintiff. Conduct is in reckless disregard of Plaintiff's rights if, under the circumstances, it reflects complete indifference to Plaintiff's rights.

If you find that punitive damages are appropriate, then you must use sound reason in setting the amount of those damages. Punitive damages, if any, should be in an amount sufficient to fulfill the purposes that I have described to you, but should not reflect bias, prejudice, or sympathy toward any party. In determining the amount of any punitive damages, you should consider the following factors:

1. the reprehensibility of Defendant's conduct;
2. the impact of Defendant's conduct on Plaintiff;
3. the relationship between Plaintiff and Defendant;
4. the likelihood that Defendant would repeat the conduct if an award of punitive damages is not made;
5. the relationship of any award of punitive damages to the amount of actual harm the Plaintiff suffered.

If you find that a Plaintiff has proven any of his claims against any of the Defendants, then you must also determine what, if any, probability exists that such individual Plaintiff would have been promoted to captain of police on that particular occasion when race and gender discrimination were a motivating factor.

Your determination should take into consideration each Plaintiff's qualifications, and the evidence and circumstances pertaining to the position in question. You should determine what percentage, out of a 100% chance of promotion, each Plaintiff would have had for that particular promotion. Each Plaintiff must prove his percentage chance of promotion by a preponderance of the evidence.