

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 10-cv-01187-RPM

THOMAS L. MCLALLEN, III,

Plaintiff,

v.

PUEBLO COUNTY SHERIFF'S DEPARTMENT;
SHERIFF KIRK M. TAYLOR, in his official and individual capacity;
UNDER SHERIFF J.R. HALL, in his official and individual capacity;
CAPTAIN LEIDE DEFUSCO, in his official and individual capacity;
INSPECTOR TOM PROUD, in his official and individual capacity;
BUREAU CHIEF DARLENE ALCALA, in her official and individual capacity;
LIEUTENANT DON LEACH, in his official and individual capacity and
SERGEANT LEROY MORA, in his individual and official capacity;

Defendants.

AMENDED JUDGMENT

Pursuant to and in accordance with the Amended Order Regarding the Joint Stipulation of Dismissal with Prejudice entered by Senior District Judge Richard P. Matsch entered on August 6, 2010 [18], incorporated herein by reference, it is

ORDERED that this action is dismissed with prejudice as to the defendant Pueblo County Sheriff's Department with each party to bear their own costs and attorney fees.

Pursuant to and in accordance with the Order Granting Stipulated Motion to Dismiss with Prejudice, entered by Senior District Judge Richard P. Matsch on April 28, 2011 [36], it is

FURTHER ORDERED that the claims and defenses between plaintiff and defendants Sergeant Leroy Mora and Lieutenant Don Leach are dismissed with prejudice.

Pursuant to and in accordance with the Memorandum Opinion and Order, entered by Senior District Judge Richard P. Matsch on February 15, 2012 [66], it is

FURTHER ORDERED that defendants' motion for summary judgment is denied as to the First

Amendment claim, and granted as to the other claims.

Pursuant to and in accordance with the Order Regarding the Joint Motion for Dismissal with Prejudice, entered by Senior District Judge Richard P. Matsch on October 17, 2012 [98], it is

FURTHER ORDERED that all claims and defenses between plaintiff and defendant Leide DeFusco are dismissed with prejudice, with each party to bear their own attorney fees and costs.

This matter was tried from October 15, 2012, through October 26, 2012, before an empaneled jury of twelve, Senior District Judge Richard P. Matsch presiding.

After the presentation of the plaintiff's case, the Court heard the statements and arguments of counsel on defendants' oral motion for judgment as a matter of law pursuant to Fed.R.Civ.P. 50 and made oral findings of fact and conclusions of law incorporated herein by reference; accordingly it is

FURTHER ORDERED that defendants' oral motion for judgment as a matter of law pursuant to Fed.R.Civ.P. 50 is denied except for plaintiff's claim for punitive damages.

The trial proceeded to conclusion and the jury found that plaintiff's activities in attempting to obtain collective bargaining for the Pueblo County Sheriff's Office Deputies were a substantial or motivating factor in defendant Sheriff Kirk Taylor's decision to discharge plaintiff from employment. It is

FURTHER ORDERED that judgment is entered, pursuant to the Jury's October 26, 2012 Verdict, in favor of plaintiff Thomas McLallen, III, and against defendants Sheriff Kirk M. Taylor, Under Sheriff J.R. Hall, Inspector Tom Proud and Bureau Chief Darlene Alcala jointly and severally in the amount of \$311,600.00. It is

FURTHER ORDERED that post judgment interest shall accrue at the legal rate of 0.18% from the date of entry of this judgment. It is

FURTHER ORDERED that the plaintiff Thomas L. McLallen, III, shall have his costs by the filing of a Bill of Costs with the Clerk of this Court within fourteen days of the entry of judgment. It is

DATED at Denver, Colorado, this 1st day of November, 2012.

FOR THE COURT:

Jeffrey P. Colwell, Clerk

s/ J. Chris Smith

By: _____
Deputy Clerk