

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

FREDRICK and ANNALESA THOMAS; and  
JO-HANNA READ, as Guardian ad Litem of  
E.T., a minor,

Plaintiffs,

v.

JASON CANNON; BRIAN MARKERT;  
RYAN MICENKO; MICHAEL WILEY;  
MICHAEL ZARO; CITY OF FIFE; CITY OF  
LAKEWOOD; and PIERCE COUNTY  
METRO SWAT TEAM,

Defendants.

Nos. 3:15-05346 BJR  
3:16-cv-05392  
CONSOLIDATED CASES

REVISED ORDER  
AMENDING JUDGMENT

FREDRICK THOMAS and ANNALESA  
THOMAS, as Co-Administrators of the Estate  
of Leonard Thomas, and its statutory  
beneficiaries,

Plaintiffs,

v.

BRIAN MARKERT; MICHAEL WILEY;  
NATHAN VANCE; MICHAEL ZARO;  
SCOTT GREEN; JEFF RACKLEY; CITY OF  
FIFE; CITY OF LAKEWOOD; PIERCE  
COUNTY METRO SWAT TEAM; and JOHN  
DOES 1 through 10,

Defendants.

1 This matter having come before this Court upon Plaintiffs' Motion to Amend Judgment,  
2 the Court having reviewed the records and files herein, including the jury's verdict (Dkt. 237),  
3 the Court's original judgment (Dkt. 241), the plaintiff's motion to amend the judgment, and any  
4 response by the defendants, and being fully advised; now therefore it is hereby

5 ORDERED that

6 Based on the Jury's responses on the verdict form (Dkt. No. 237), judgment is entered as  
7 follows:

8 (1) in favor of plaintiff E.T. in the amount of \$500,000 against defendants Michael Zaro,  
9 Michael Wiley, Brian Markert, and the City of Lakewood, jointly and severally;

10 (2) in favor of plaintiff E.T. in the amount of \$2,750,000 against defendants Michael Zaro  
11 and the City of Lakewood, jointly and severally;

12 (3) in favor of plaintiff E.T. in the amount of \$125,000 against defendants Michael Zaro,  
13 Michael Wiley, and the City of Lakewood, jointly and severally;

14 (4) in favor of plaintiff E.T. in the amount of \$125,000 against defendant the City of  
15 Lakewood;

16 (5) in favor of plaintiff E.T. in the amount of \$500,000 against defendants the City of  
17 Lakewood and the City of Fife, jointly and severally;

18 (6) in favor of plaintiff the Estate of Leonard Thomas in the amount of \$1,750,000  
19 against defendants Michael Zaro, Michael Wiley, Brian Markert, and the City of Lakewood,  
20 jointly and severally;

21 (7) in favor of plaintiff the Estate of Leonard Thomas in the amount of \$125,000 against  
22 defendants Michael Zaro, Michael Wiley, and the City of Lakewood, jointly and severally;

23 (8) in favor of plaintiff the Estate of Leonard Thomas in the amount of \$10,000 against  
24 defendant Michael Wiley;

25 (9) in favor of plaintiff Annalesa Thomas in the amount of \$750,000 against defendants  
26 Michael Zaro and the City of Lakewood, jointly and severally;

27  
(Proposed) ORDER AMENDING JUDGMENT - 2

Nos. 3:15-05346/3:16-cv-05392 BJR

MACDONALD HOAGUE & BAYLESS  
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Seattle, Washington 98104  
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1 (10) in favor of plaintiff Annalesa Thomas in the amount of \$500,000 against defendants  
2 Michael Zaro, Michael Wiley, and the City of Lakewood, jointly and severally;

3 (11) in favor of plaintiff Annalesa Thomas in the amount of \$125,000 against defendant  
4 the City of Lakewood;

5 (12) in favor of plaintiff Fred Thomas in the amount of \$750,000 against defendants  
6 Michael Zaro and the City of Lakewood, jointly and severally;


7 (13) in favor of plaintiff Fred Thomas in the amount of \$125,000 against defendants  
8 Michael Zaro, Michael Wiley, and the City of Lakewood, jointly and severally;

9 (14) in favor of plaintiff Fred Thomas in the amount of \$500,000 against the City of  
10 Lakewood;

11 (15) in favor of defendant Nathan Vance; and

12 (16) in favor of defendant Ryan Micenko.

13 In addition, the following punitive damages are assessed in favor of all plaintiffs, jointly,  
14 against: (1) Defendant Michael Zaro in the amount of \$3,000,000; (2) Defendant Michael Wiley  
15 in the amount of \$1,500,000; and (3) Defendant Brian Markert in the amount of \$2,000,000.

16  
17 DATED this 7<sup>th</sup> day of February <sup>2018</sup>~~2017~~.  
18 *effective nunc pro tunc 1/12/2018* 

19  
20 \_\_\_\_\_  
Honorable Barbara J. Rothstein  
United States District Court Judge

21 Presented by:

22 MacDONALD HOAGUE & BAYLESS

23  
24 By /s/ Tiffany Cartwright  
25 Timothy K. Ford, WSBA #5986  
26 David J. Whedbee, WSBA #35977  
Tiffany M. Cartwright, WSBA #43564  
Attorneys for Plaintiffs