

IN THE OREGON TAX COURT  
MAGISTRATE DIVISION  
Income Tax

SIGITAS J. BANAITIS,	)	
	)	
Plaintiff,	)	TC-MD 000539A
	)	
v.	)	
	)	
DEPARTMENT OF REVENUE,	)	
State of Oregon,	)	
	)	
Defendant.	)	<b>DECISION</b>

Plaintiff's income tax liability for the 1995 tax year has been considered by no less an authority than the United States Supreme Court. *See C.I.R. v. Banks*, 543 US 426, 125 S Ct 826, 160 L Ed 2d 859 (2005). The outcome of that case went against Plaintiff. Plaintiff's Oregon liability follows the federal determination.

Plaintiff makes the point that this is too much to bear. Plaintiff came by this income because he acted as a banker to protect the privacy of his clients. Plaintiff did the right thing. His employer did not. Plaintiff was fired. Later, at trial, a jury vindicated Plaintiff and awarded him the damages at issue here. Now, following the decision of the United States Supreme Court, Plaintiff finds the tax consequences of his award of damages have reduced his recovery to a shadow of the money the jury intended him to have.

While the court respects Plaintiff's character and history, it cannot depart from the precedent laid down by the United States Supreme Court.

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Now, therefore,

IT IS THE DECISION OF THIS COURT that this appeal is denied.

Dated this \_\_\_\_\_ day of February 2006.

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SCOT A. SIDERAS  
MAGISTRATE

***If you want to appeal this Decision, file a Complaint in the Regular Division of the Oregon Tax Court, by mailing to: 1163 State Street, Salem, OR 97301-2563; or by hand delivery to: Fourth Floor, 1241 State Street, Salem, OR.***

***Your Complaint must be submitted within 60 days after the date of the Decision or this Decision becomes final and cannot be changed.***

***This document was signed by Magistrate Scot A. Sideras on February 15, 2006 . The Court filed this document February 15, 2006.***