

DISTRICT COURT

VERDICT: \$1.3 million, retaliation against whistle-blower K9 officer.

A 12-0 Billings jury found that Billings PD and the City of Billings engaged in discriminatory acts against K9 Officer Steve Feuerstein that were part of a continuous pattern, one or more of which occurred within 3 years from filing a complaint 3/28/06, they retaliated against him for exercising his right of free speech causing him harm, he spoke out about matters of public concern, they violated the Montana Safety Act by failing to keep a safe place to work for him causing him harm, and they negligently supervised their employees causing him harm, and \$1.3 million is necessary to compensate him for the harm they caused.

Feuerstein, a 14-year officer, alleged that because he had reported in 2/02 that K9 officers Punt and Korell had distributed meth, heroin, cocaine, and marijuana to civilian dog handler Tanya Godfrey he was denied transfers and promotions despite his superior qualifications and was shunned by co-workers and exposed to danger by the PD tolerating officers who ostracized him and refused to provide routine backup. The City denied his allegations and contended that he was a disgruntled employee who created a tenuous conspiracy theory to account for his own failings, and that officers who testified for him had their own "ax to grind."

Judge Gustafson granted immunity to the individual defendants prior to trial.

Plaintiff's expert: economist Joseph Kasperick, Butte.

Defendants' expert: Bozeman Police Chief Tymrak

Demand, \$375,000; offer, \$100,000 plus transfer to different position according to Defendants, resignation according to Plaintiff. Jury request, \$213,000 plus general damages; jury suggestion, 0.

Jury deliberated 12 hours 7th & 8th days.

(Feuerstein was subsequently reassigned to a plain-clothes position working with the US Marshals Service Violent Crime Fugitive Task Force after he complained of ongoing retaliation, which Chief St. John denied.)

Feuerstein v. BPD and Billings, Yellowstone DV 06-332, 7/25/07.

Elizabeth Best (Best Law Offices), Great Falls, for Feuerstein; Jared Dahle (Nelson & Dahle), Billings, for Defendants (MMIA).