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UNITED STATES DISTRICT COURT **DISTRICT OF ARIZONA**

George Rudebusch, et. al,

Plaintiffs,

State Of Arizona; Northern Arizona University; The Arizona Board Of Regents,

Defendants.

NO. CIV 95-1313-PCT RCB and NO. CIV 96-1077 PCT RCB

JUDGMENT

(Assigned to the Honorable Robert C. Broomfield)

The parties jointly submitted the following proposed judgment. By jointly submitting this proposed judgment, the parties agree only that the form of judgment and damage calculations are correct based on the Court's rulings. Neither party waives the right to appeal any other issue or prior ruling.

On June 30, 1995, Plaintiff's George Rudebusch, et al., filed the first of two consolidated cases, CIV 95-1313 PCT RCB. In this class action Complaint, the Plaintiffs alleged violations of the Equal Protection Clause of the Fourteenth Amendment and Civil Rights Act violations pursuant to 42 U.S.C. §1981 and 42 U.S.C. §1983 suing Defendant Hughes in his individual capacity.

Thereafter, on May 2, 1996 forty individual plaintiffs filed a related action against Defendants in CIV96-1077 PCT RCB. In this Complaint, the Plaintiffs alleged violations of Title VII of the Civil Rights act of 1964, as amended. The Court granted Plaintiffs' motion to consolidate theses case on November 1, 1996.

Defendant Hughes responded to the Equal Protection claims by moving for summary judgment on qualified immunity grounds. This Court granted the motion in part, concluding that the law was clearly established and that Defendant Hughes was reasonable in concluding that a compelling interest justified his actions. But this Court reserved for trial the ultimate issue of qualified immunity because of factual issues surrounding the remedy imposed.

On December 12, 2000, this case proceeded to a jury trial (Minute Entry (doc.233) in which evidence was considered over the course of four days. *Id.* at 233-27. On December 18, 2000, the jury rendered its verdict in Defendants' favor and Judgment was entered thereon December 29, 2000. See doc.'s 241, 248. On January 24, 2000, Plaintiffs filed their Notice of Appeal. Notice (doc. 250).

On December 18, 2003, the Ninth Circuit Court of Appeals issued a mandate which affirmed in part, reversed in part, and remanded the case to this Court for additional proceedings. Mandate (doc.259). The Ninth Circuit's decision affirmed the judgment in favor of the Defendants in CIV 95-1313 PCT RCB, the class action equal protection claim against Eugene Hughes and his spouse in their individual capacities.

The only case that survived the Ninth Circuit's decision was the Title VII claim by the forty individual Plaintiffs. The sole issue remaining for determination upon remand was whether Defendants could be held liable under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000 et seq. *Id* at 32.

At a pretrial conference held on December 19, 2003, the parties stipulated to try the remaining issues on remand to this Court, as opposed to a jury, at a trial which would commence on January 6, 2004. Minute Entry (doc.267). Also, on December 19, 2003, the parties stipulated that, for purposes of the January 6, 2004 trial, the Court would

1	determine the issue of "liability" under Title VII only, and that if a determination of
2	liability is made, "the Court will set a later trial date and will grant the parties an
3	opportunity to conduct additional discovery" as to the question of damages. Order
4	(doc.268) at 3.
5	On January 4, 2004, the Court conducted the trial to the issue of Title VII liability
6	as ordered by the Ninth Circuit's mandate. Minute Entry (doc.269). On June 30, 2004,
7	the Court issued its Findings of Fact and Conclusions of Law on this matter, finding that
8	liability for Defendants' violation of Title VII had been established. Order (doc.277).
9	The Court noted that damages in relation to this violation was a factual issue that the
10	parties stipulated would be present at a later trial after additional discovery was taken. <i>Id</i> .
11	at 20.
12	On September 28, 2005, Defendants filed Motion for Summary Judgment on the
13	issue of damages. Motion (doc.16). Thereafter, Plaintiffs filed their response to this
14	Motion, as well as, a Cross-Motion for Summary Judgment. Cross-Motion (doc.305).
15	The Motions were fully briefed on January 23, 2006. P. Reply (doc.315).
16	IT ITS HEREBY ORDERED that Defendants' Motion for Summary Judgment
17	(doc.16 in case number CIV 96-1077 PCT RLB) is denied.
18	IT IS FURTHER ORDERED that Plaintiffs' Cross-Motion for Summary Judgment
19	(doc.305 in case number CIV 95-1313 PCT RLB) is GRANTED in all respects but for
20	Plaintiffs' request for attorneys' fees which was not properly filed in accordance with Local
21	Rule 54.2.
22	IT IS FURTHER ORDERED that Plaintiffs shall be awarded damages as set forth
23	below:
24	The total sum designated as "lost salary" for each Plaintiff shall be subject to (a)
25	FICA taxes (Social Security and Medicare tax); (b) employment tax withholding, and (c)
26	reporting by NAU to the IRS on Form W-2 as Social Security and Medicare wages for the

calendar year in which it is paid.

For each Plaintiff except Plaintiff Riskin, the amount of "lost salary," minus the employee's contribution to ASRS or the ORP shall be (a) taxable as "wages;" (b) subject to federal and state income tax withholding; and (c) reported by NAU to the IRS on Form W-2 for the calendar year in which it is paid. For Plaintiff Riskin, the amount of "lost salary" shall be (a) taxable as "wages," (b) subject to federal and state income tax withholding; and (c) reported by NAU to the IRS on Form W-2 for the calendar year in which it is paid.

For each Plaintiff except Plaintiff Riskin, the amount designated as "interest on lost salary," minus interest paid to the Arizona State Retirement System (ASRS) or the Optional Retirement Plan (ORP) as interest on Plaintiff's retirement contributions, will be reported to the IRS on Form 1099-INT. The interest payment will not be subject to federal income tax withholding. All lost interest awarded to Plaintiff Riskin will be reported to the IRS on Form 1099-INT and shall not be subject to federal income tax withholding.

Subject to these provisions, judgment to the individual Plaintiffs shall be as follows:

James Bartell

Plaintiff James Bartell shall have Judgment against Defendants in the total sum of \$46,211.61, attributed and to be paid as follows:

Lost Salary: \$23,345. Of that amount, \$752.20 shall be withheld as Plaintiff's contribution to the Arizona State Retirement System and submitted to ASRS on the Plaintiff's behalf.

Interest on Lost Salary: \$21,421. Of that amount \$693.41 shall be withheld and submitted on Plaintiff's behalf to the Arizona State Requirement System as interest on Plaintiff's share of the retirement contribution. The balance shall be paid directly to the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099.

1	Employer ASRS Contribution: \$752.20. This amount will be paid on Plaintiff's
2	behalf, by Defendants, directly to the Arizona State Retirement System.
3	Interest on Employer ASRS Contribution: \$693.41. This amount will be paid
4	on Plaintiff's behalf, by Defendants, directly to the Arizona State Retirement
5	System.
6	Gary Bateman
7	Plaintiff Gary Bateman shall have Judgment against Defendants in the total sum of
8	\$8,463, attributed and to be paid as follows:
9	Lost Salary: \$3,427. Of that amount, \$240 shall be withheld as Plaintiff's
10	contribution to the Optional Retirement Plan and will be submitted to the Optional
11	Retirement Plan on the Plaintiff's behalf.
12	Interest on Lost Salary: \$4,482. Of this amount, \$314 shall be withheld and
13	submitted on the Plaintiff's behalf to the Optional Retirement Plan as interest on
14	Plaintiff's share of the retirement contribution. The balance shall be paid directly to
15	the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099.
16	Employer ORP Contributions: \$240. This amount will be paid on Plaintiff's
17	behalf, by Defendants, directly to the Optional Retirement Plan.
18	Interest on Employer ORP Retirement Contributions: \$314. This amount will
19	be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement
20	Plan.
21	Harvey Becher
22	Plaintiff Harvey Becher shall have Judgment against Defendants in the total sum of
23	\$77,849, attributed and to be paid as follows:
24	Lost Salary: \$34,012. Of that amount, \$2,381 shall be withheld as Plaintiff's
25	contribution to the Optional Retirement Plan and will be submitted to the Optional
26	Retirement Plan on the Plaintiff's behalf.

1 **Interest on Lost Salary**: \$38,744. Of this amount, \$2,712 shall be withheld and 2 submitted on the Plaintiff's behalf to the Optional Retirement Plan as interest on 3 Plaintiff's share of the retirement contribution. The balance shall be paid directly to 4 the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099. 5 **Employer ORP Contributions**: \$2,381. This amount will be paid on Plaintiff's 6 behalf, by Defendants, directly to the Optional Retirement Plan. 7 **Interest on Employer ORP Retirement Contributions**: \$2,712. This amount will 8 be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement 9 Plan. John Bloom 10 Plaintiff John Bloom shall have Judgment against Defendants in the total sum of 11 12 \$7,840, attributed and to be paid as follows: 13 **Lost Salary:** \$3,058. Of that amount, \$214 shall be withheld as Plaintiff's 14 contribution to the Optional Retirement Plan and will be submitted to the Optional Retirement Plan on the Plaintiff's behalf. 15 **Interest on Lost Salary**: \$4,269. Of this amount, \$299 shall be withheld and 16 submitted on the Plaintiff's behalf to the Optional Retirement Plan as interest on 17 18 Plaintiff's share of the retirement contribution. The balance shall be paid directly to 19 the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099. 20 **Employer ORP Contributions**: \$214. This amount will be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement Plan. 21 **Interest on Employer ORP Retirement Contributions**: \$299. This amount will 22 23 be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement 24 Plan. 25 26 **Burton Brown**

1	Plaintiff Burton Brown shall have Judgment against Defendants in the total sum of
2	\$74,177, attributed and to be paid as follows:
3	Lost Salary: \$40,063. Of that amount, \$2,804 shall be withheld as Plaintiff's
4	contribution to the Optional Retirement Plan and will be submitted to the Optional
5	Retirement Plan on the Plaintiff's behalf.
6	Interest on Lost Salary: \$29,262. Of this amount, \$2,048 shall be withheld and
7	submitted on the Plaintiff's behalf to the Optional Retirement Plan as interest on
8	Plaintiff's share of the retirement contribution. The balance shall be paid directly to
9	the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099.
10	Employer ORP Contributions: \$2,804. This amount will be paid on Plaintiff's
11	behalf, by Defendants, directly to the Optional Retirement Plan.
12	Interest on Employer ORP Retirement Contributions: \$2,048. This amount will
13	be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement
14	Plan.
15	Craig Caldwell
16	Plaintiff Craig Caldwell shall have Judgment against Defendants in the total sum of
17	\$3,315.76, attributed and to be paid as follows:
18	Lost Salary: \$1,243. Of that amount, \$39.03 shall be withheld as Plaintiff's
19	contribution to the Arizona State Retirement System and submitted to ASRS on the
20	Plaintiff's behalf.
21	Interest on Lost Salary: \$1,974. Of that amount \$59.73 shall be withheld and
22	submitted on Plaintiff's behalf to the Arizona State Requirement System as interest
23	on Plaintiff's share of the retirement contribution. The balance shall be paid
24	directly to the Plaintiff and shall be reported to the Internal Revenue Service on
25	Form 1099.
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1	Employer ASRS Contribution: \$39.03. This amount will be paid on Plaintiff's
2	behalf, by Defendants, directly to the Arizona State Retirement System.
3	Interest on Employer ASRS Contribution: \$59.73. This amount will be paid on
4	Plaintiff's behalf, by Defendants, directly to the Arizona State Retirement System.
5	Keith Cunningham
6	Plaintiff Keith Cunningham shall have Judgment against Defendants in the total
7	sum of \$22,255, attributed and to be paid as follows:
8	Lost Salary: \$12,627. Of that amount, \$884 shall be withheld as Plaintiff's
9	contribution to the Optional Retirement Plan and will be submitted to the Optional
10	Retirement Plan on the Plaintiff's behalf.
11	Interest on Lost Salary: \$8,172. Of this amount, \$572 shall be withheld and
12	submitted on the Plaintiff's behalf to the Optional Retirement Plan as interest on
13	Plaintiff's share of the retirement contribution. The balance shall be paid directly to
14	the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099.
15	Employer ORP Contributions: \$884. This amount will be paid on Plaintiff's
16	behalf, by Defendants, directly to the Optional Retirement Plan.
17	Interest on Employer ORP Retirement Contributions: \$572. This amount will
18	be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement
19	Plan.
20	Raise in Current Salary: Plaintiff's current annual salary shall be raised by
21	\$1,022.
22	Thomas Dillingham
23	Plaintiff Thomas Dillingham shall have Judgment against Defendants in the total
24	sum of \$1,963, attributed and to be paid as follows:
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1	Lost Salary: \$1,114. Of that amount, \$78 shall be withheld as Plaintiff's
2	contribution to the Optional Retirement Plan and will be submitted to the Optional
3	Retirement Plan on the Plaintiff's behalf.
4	Interest on Lost Salary: \$721. Of this amount, \$50 shall be withheld and
5	submitted on the Plaintiff's behalf to the Optional Retirement Plan as interest on
6	Plaintiff's share of the retirement contribution. The balance shall be paid directly to
7	the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099.
8	Employer ORP Contributions: \$78. This amount will be paid on Plaintiff's
9	behalf, by Defendants, directly to the Optional Retirement Plan.
10	Interest on Employer ORP Retirement Contributions: \$50. This amount will be
11	paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement Plan.
12	Raise in Current Salary: Plaintiff's current annual salary shall be raised by \$89.
13	Michael Falk
14	Plaintiff Michael Falk shall have Judgment against Defendants in the total sum of
15	\$64,548, attributed and to be paid as follows:
16	Lost Salary: \$37,171. Of that amount, \$2,602 shall be withheld as Plaintiff's
17	contribution to the Optional Retirement Plan and will be submitted to the Optional
18	Retirement Plan on the Plaintiff's behalf.
19	Interest on Lost Salary: \$23,154. Of this amount, \$1,621 shall be withheld and
20	submitted on the Plaintiff's behalf to the Optional Retirement Plan as interest on
21	Plaintiff's share of the retirement contribution. The balance shall be paid directly to
22	the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099.
23	Employer ORP Contributions: \$2,602. This amount will be paid on Plaintiff's
24	behalf, by Defendants, directly to the Optional Retirement Plan.
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Interest on Employer ORP Retirement Contributions: \$1,621. This amount will 1 2 be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement 3 Plan. 4 **Raise in Current Salary:** Plaintiff's current annual salary shall be raised by 5 \$3,146. 6 **Jay Farness** 7 Plaintiff Jay Farness shall have Judgment against Defendants in the total sum of 8 \$102,916.72, attributed and to be paid as follows: 9 **Lost Salary:** \$60,389. Of that amount, \$2,257.10 shall be withheld as Plaintiff's 10 contribution to the Arizona State Retirement System through fiscal year 2006 and submitted to ASRS on the Plaintiff's behalf. 11 12 **Interest on Lost Salary:** \$38,974. Of that amount \$1,296.62 shall be withheld and 13 submitted on Plaintiff's behalf to the Arizona State Requirement System as interest 14 on Plaintiff's share of the retirement contribution through fiscal year 2006. The balance shall be paid directly to the Plaintiff and shall be reported to the Internal 15 Revenue Service on Form 1099. 16 17 **Employer ASRS Contribution:** \$2,257.10. This amount will be paid on 18 Plaintiff's behalf, by Defendants, directly to the Arizona State Retirement System 19 for contributions through fiscal year 2006. 20 **Interest on Employer ASRS Contribution:** \$1,296.62. This amount will be paid 21 on Plaintiff's behalf, by Defendants, directly to the Arizona State Retirement System for interest on contributions through fiscal year 2006. 22 23 **Raise in Current Salary:** Plaintiff's current annual salary shall be raised by 24 \$4,903. 25

Steven Funk 1 2 Plaintiff Steven Funk shall have Judgment against Defendants in the total sum of 3 \$30,886.49, attributed and to be paid as follows: 4 **Lost Salary:** \$18,141. Of that amount, \$678.02 shall be withheld as Plaintiff's 5 contribution to the Arizona State Retirement System through fiscal year 2006 and 6 submitted to ASRS on the Plaintiff's behalf. 7 **Interest on Lost Salary:** \$11,679. Of that amount \$388.47 shall be withheld and 8 submitted on Plaintiff's behalf to the Arizona State Requirement System as interest 9 on Plaintiff's share of the retirement contributions through fiscal year 2006. The 10 balance shall be paid directly to the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099. 11 12 **Employer ASRS Contribution:** \$678.02. This amount will be paid on Plaintiff's behalf, by Defendants, directly to the Arizona State Retirement System for 13 14 contributions through fiscal year 2006. **Interest on Employer ASRS Contribution:** \$388.47. This amount will be paid 15 on Plaintiff's behalf, by Defendants, directly to the Arizona State Retirement 16 17 System for contributions through fiscal year 2006. 18 **Raise in Current Salary:** Plaintiff's current annual salary shall be raised by 19 \$1,473. 20 Clarence Harrison 21 Plaintiff Clarence Harrison shall have Judgment against Defendants in the total sum 22 of \$1,590, attributed and to be paid as follows: 23 **Lost Salary:** \$620. Of that amount, \$43 shall be withheld as Plaintiff's 24 contribution to the Optional Retirement Plan and will be submitted to the Optional 25 Retirement Plan on the Plaintiff's behalf. 26

1	Interest on Lost Salary: \$866. Of this amount, \$61 shall be withheld and
2	submitted on the Plaintiff's behalf to the Optional Retirement Plan as interest on
3	Plaintiff's share of the retirement contribution. The balance shall be paid directly to
4	the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099.
5	Employer ORP Contributions: \$43. This amount will be paid on Plaintiff's
6	behalf, by Defendants, directly to the Optional Retirement Plan.
7	Interest on Employer ORP Retirement Contributions: \$61. This amount will be
8	paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement Plan.
9	William Hildred
10	Plaintiff William Hildred shall have Judgment against Defendants in the total sum
11	of \$70,017, attributed and to be paid as follows:
12	Lost Salary: \$32,825. Of that amount, \$2,298 shall be withheld as Plaintiff's
13	contribution to the Optional Retirement Plan and will be submitted to the Optional
14	Retirement Plan on the Plaintiff's behalf.
15	Interest on Lost Salary: \$32,611. Of this amount, \$2,283 shall be withheld and
16	submitted on the Plaintiff's behalf to the Optional Retirement Plan as interest on
17	Plaintiff's share of the retirement contribution. The balance shall be paid directly to
18	the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099.
19	Employer ORP Contributions: \$2,298. This amount will be paid on Plaintiff's
20	behalf, by Defendants, directly to the Optional Retirement Plan.
21	Interest on Employer ORP Retirement Contributions: \$2,283. This amount will
22	be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement
23	Plan.
24	John Hill
25	Plaintiff John Hill shall have Judgment against Defendants in the total sum of
26	\$5,411, attributed and to be paid as follows:

Lost Salary: \$2,031. Of that amount, \$142 shall be withheld as Plaintiff's 1 2 contribution to the Optional Retirement Plan and will be submitted to the Optional 3 Retirement Plan on the Plaintiff's behalf. 4 **Interest on Lost Salary**: \$3,026. Of this amount, \$212 shall be withheld and 5 submitted on the Plaintiff's behalf to the Optional Retirement Plan as interest on 6 Plaintiff's share of the retirement contribution. The balance shall be paid directly to 7 the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099. 8 **Employer ORP Contributions**: \$142. This amount will be paid on Plaintiff's 9 behalf, by Defendants, directly to the Optional Retirement Plan. 10 **Interest on Employer ORP Retirement Contributions**: \$212. This amount will be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement 11 12 Plan. Thomas Hoisch 13 14 Plaintiff Thomas Hoisch shall have Judgment against Defendants in the total sum of \$65,530, attributed and to be paid as follows: 15 Lost Salary: \$37,802. Of that amount, \$2,646 shall be withheld as Plaintiff's 16 17 contribution to the Optional Retirement Plan and will be submitted to the Optional 18 Retirement Plan on the Plaintiff's behalf. 19 **Interest on Lost Salary**: \$23,441. Of this amount, \$1,641 shall be withheld and 20 submitted on the Plaintiff's behalf to the Optional Retirement Plan as interest on 21 Plaintiff's share of the retirement contribution. The balance shall be paid directly to the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099. 22 **Employer ORP Contributions**: \$2,646. This amount will be paid on Plaintiff's 23 24 behalf, by Defendants, directly to the Optional Retirement Plan. 25

1	Interest on Employer ORP Retirement Contributions : \$1,641. This amount will
2	be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement
3	Plan.
4	Raise in Current Salary: Plaintiff's current annual salary shall be raised by
5	\$3,183.
6	Edward Hood
7	Plaintiff Edward Hood shall have Judgment against Defendants in the total sum of
8	\$32,271, attributed and to be paid as follows:
9	Lost Salary: \$18,509. Of that amount, \$1,296 shall be withheld as Plaintiff's
10	contribution to the Optional Retirement Plan and will be submitted to the Optional
11	Retirement Plan on the Plaintiff's behalf.
12	Interest on Lost Salary: \$11,650. Of this amount, \$816 shall be withheld and
13	submitted on the Plaintiff's behalf to the Optional Retirement Plan as interest on
14	Plaintiff's share of the retirement contribution. The balance shall be paid directly to
15	the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099.
16	Employer ORP Contributions: \$1,296. This amount will be paid on Plaintiff's
17	behalf, by Defendants, directly to the Optional Retirement Plan.
18	Interest on Employer ORP Retirement Contributions: \$816. This amount will
19	be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement
20	Plan.
21	Raise in Current Salary: Plaintiff's current annual salary shall be raised by
22	\$1,786.
23	Guenther Huck
24	Plaintiff Guenther Huck shall have Judgment against Defendants in the total sum of
25	\$44,013, attributed and to be paid as follows:
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1	Lost Salary: \$24,953. Of that amount, \$1,747 shall be withheld as Plaintiff's
2	contribution to the Optional Retirement Plan and will be submitted to the Optional
3	Retirement Plan on the Plaintiff's behalf.
4	Interest on Lost Salary: \$16,180. Of this amount, \$1,133 shall be withheld and
5	submitted on the Plaintiff's behalf to the Optional Retirement Plan as interest on
6	Plaintiff's share of the retirement contribution. The balance shall be paid directly to
7	the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099.
8	Employer ORP Contributions: \$1,747. This amount will be paid on Plaintiff's
9	behalf, by Defendants, directly to the Optional Retirement Plan.
10	Interest on Employer ORP Retirement Contributions: \$1,133. This amount will
11	be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement
12	Plan.
13	Raise in Current Salary: Plaintiff's current annual salary shall be raised by
14	\$1,954.
15	Stephen Jackson
16	Plaintiff Stephen Jackson shall have Judgment against Defendants in the total sum
17	of \$6,788, attributed and to be paid as follows:
18	Lost Salary: \$2,560. Of that amount, \$179 shall be withheld as Plaintiff's
19	contribution to the Optional Retirement Plan and will be submitted to the Optional
20	Retirement Plan on the Plaintiff's behalf.
21	Interest on Lost Salary: \$3,784. Of this amount, \$265 shall be withheld and
22	submitted on the Plaintiff's behalf to the Optional Retirement Plan as interest on
23	Plaintiff's share of the retirement contribution. The balance shall be paid directly to
24	the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099.
25	Employer ORP Contributions: \$179. This amount will be paid on Plaintiff's
26	behalf, by Defendants, directly to the Optional Retirement Plan.

1 **Interest on Employer ORP Retirement Contributions**: \$265. This amount will 2 be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement 3 Plan. 4 Arnold Johnson Plaintiff Arnold Johnson shall have Judgment against Defendants in the total sum of 5 6 \$7,949.76, attributed and to be paid as follows: 7 **Lost Salary:** \$2,980. Of that amount, \$93.57 shall be withheld as Plaintiff's 8 contribution to the Arizona State Retirement System and submitted to ASRS on the 9 Plaintiff's behalf. 10 **Interest on Lost Salary:** \$4,733. Of that amount \$143.19 shall be withheld and submitted on Plaintiff's behalf to the Arizona State Requirement System as interest 11 12 on Plaintiff's share of the retirement contribution. The balance shall be paid 13 directly to the Plaintiff and shall be reported to the Internal Revenue Service on 14 Form 1099. **Employer ASRS Contribution:** \$93.57. This amount will be paid on Plaintiff's 15 16 behalf, by Defendants, directly to the Arizona State Retirement System. 17 **Interest on Employer ASRS Contribution:** \$143.19. This amount will be paid 18 on Plaintiff's behalf, by Defendants, directly to the Arizona State Retirement 19 System. 20 **David Kitterman** 21 Plaintiff David Kitterman shall have Judgment against Defendants in the total sum 22 of \$23,945, attributed and to be paid as follows: 23 **Lost Salary:** \$13,581. Of that amount, \$951 shall be withheld as Plaintiff's 24 contribution to the Optional Retirement Plan and will be submitted to the Optional 25 Retirement Plan on the Plaintiff's behalf. 26

1 **Interest on Lost Salary**: \$8,797. Of this amount, \$616 shall be withheld and 2 submitted on the Plaintiff's behalf to the Optional Retirement Plan as interest on 3 Plaintiff's share of the retirement contribution. The balance shall be paid directly to 4 the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099. 5 **Employer ORP Contributions**: \$951. This amount will be paid on Plaintiff's 6 behalf, by Defendants, directly to the Optional Retirement Plan. 7 **Interest on Employer ORP Retirement Contributions**: \$616. This amount will 8 be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement 9 Plan. 10 **Raise in Current Salary:** Plaintiff's current annual salary shall be raised by 11 \$1,088. 12 **Stephen Lapan** Plaintiff Stephen Lapan shall have Judgment against Defendants in the total sum of 13 14 \$8,694.98, attributed and to be paid as follows: **Lost Salary:** \$5,149. Of that amount, \$193.01 shall be withheld as Plaintiff's 15 16 contribution to the Arizona State Retirement System through fiscal year 2006 and 17 submitted to ASRS on the Plaintiff's behalf. 18 **Interest on Lost Salary:** \$3,245. Of that amount \$107.97 shall be withheld and 19 submitted on Plaintiff's behalf to the Arizona State Requirement System as interest 20 on Plaintiff's share of the retirement contribution through fiscal year 2006. The 21 balance shall be paid directly to the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099. 22 23 **Employer ASRS Contribution:** \$193.01. This amount will be paid on Plaintiff's 24 behalf, by Defendants, directly to the Arizona State Retirement System for 25 contributions through fiscal year 2006.

1	Interest on Employer ASRS Contribution: \$107.97. This amount will be paid
2	on Plaintiff's behalf, by Defendants, directly to the Arizona State Retirement
3	System for contributions through fiscal year 2006.
4	Raise in Current Salary: Plaintiff's current annual salary shall be raised by \$432.
5	Eugene Loverich
6	Plaintiff Eugene Loverich shall have Judgment against Defendants in the total sum
7	of \$84,764, attributed and to be paid as follows:
8	Lost Salary: \$47,002. Of that amount, \$3,290 shall be withheld as Plaintiff's
9	contribution to the Optional Retirement Plan and will be submitted to the Optional
10	Retirement Plan on the Plaintiff's behalf.
11	Interest on Lost Salary: \$32,217. Of this amount, \$2,255 shall be withheld and
12	submitted on the Plaintiff's behalf to the Optional Retirement Plan as interest on
13	Plaintiff's share of the retirement contribution. The balance shall be paid directly to
14	the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099.
15	Employer ORP Contributions: \$3,290. This amount will be paid on Plaintiff's
16	behalf, by Defendants, directly to the Optional Retirement Plan.
17	Interest on Employer ORP Retirement Contributions : \$2,255. This amount will
18	be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement
19	Plan.
20	Raise in Current Salary: Plaintiff's current annual salary shall be raised by
21	\$4,274.
22	Michael Malone
23	Plaintiff Michael Malone shall have Judgment against Defendants in the total sum
24	of \$10,377, attributed and to be paid as follows:
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1	Lost Salary: \$5,938. Of that amount, \$416 shall be withheld as Plaintiff's
2	contribution to the Optional Retirement Plan and will be submitted to the Optional
3	Retirement Plan on the Plaintiff's behalf.
4	Interest on Lost Salary: \$3,760. Of this amount, \$263 shall be withheld and
5	submitted on the Plaintiff's behalf to the Optional Retirement Plan as interest on
6	Plaintiff's share of the retirement contribution. The balance shall be paid directly to
7	the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099.
8	Employer ORP Contributions: \$416. This amount will be paid on Plaintiff's
9	behalf, by Defendants, directly to the Optional Retirement Plan.
10	Interest on Employer ORP Retirement Contributions: \$263. This amount will
11	be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement
12	Plan.
13	Raise in Current Salary: Plaintiff's current annual salary shall be raised by \$450.
14	Ken Nicholls
15	Plaintiff Ken Nicholls shall have Judgment against Defendants in the total sum of
16	\$50,479, attributed and to be paid as follows:
17	Lost Salary: \$22,809. Of that amount, \$1,597 shall be withheld as Plaintiff's
18	contribution to the Optional Retirement Plan and will be submitted to the Optional
19	Retirement Plan on the Plaintiff's behalf.
20	Interest on Lost Salary: \$24,367. Of this amount, \$1,706 shall be withheld and
21	submitted on the Plaintiff's behalf to the Optional Retirement Plan as interest on
22	Plaintiff's share of the retirement contribution. The balance shall be paid directly to
23	the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099.
24	Employer ORP Contributions : \$1,597. This amount will be paid on Plaintiff's
25	behalf, by Defendants, directly to the Optional Retirement Plan.
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Interest on Employer ORP Retirement Contributions: \$1,706. This amount will 1 2 be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement 3 Plan. 4 Andrew O'Dell Plaintiff Andrew O'Dell shall have Judgment against Defendants in the total sum of 5 \$57,610, attributed and to be paid as follows: 6 7 **Lost Salary:** \$27,846. Of that amount, \$1,949 shall be withheld as Plaintiff's contribution to the Optional Retirement Plan and will be submitted to the Optional 8 9 Retirement Plan on the Plaintiff's behalf. 10 **Interest on Lost Salary**: \$25,995. Of this amount, \$1,820 shall be withheld and submitted on the Plaintiff's behalf to the Optional Retirement Plan as interest on 11 12 Plaintiff's share of the retirement contribution. The balance shall be paid directly to 13 the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099. 14 **Employer ORP Contributions**: \$1,949. This amount will be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement Plan. 15 **Interest on Employer ORP Retirement Contributions**: \$1,820. This amount will 16 17 be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement 18 Plan. 19 Richard Packard 20 Plaintiff Richard Packard shall have Judgment against Defendants in the total sum of \$6,749.71, attributed and to be paid as follows: 21 22 **Lost Salary:** \$2,722. Of that amount, \$97.62 shall be withheld as Plaintiff's 23 contribution to the Arizona State Retirement System and submitted to ASRS on the 24 Plaintiff's behalf. 25 **Interest on Lost Salary:** \$3,800. Of that amount \$130.09 shall be withheld and 26 submitted on Plaintiff's behalf to the Arizona State Requirement System as interest

1	on Plaintiff's share of the retirement contribution. The balance shall be paid
2	directly to the Plaintiff and shall be reported to the Internal Revenue Service on
3	Form 1099.
4	Employer ASRS Contribution: \$97.62. This amount will be paid on Plaintiff's
5	behalf, by Defendants, directly to the Arizona State Retirement System.
6	Interest on Employer ASRS Contribution: \$130.09. This amount will be paid
7	on Plaintiff's behalf, by Defendants, directly to the Arizona State Retirement
8	System.
9	Gilbert Pogany
10	Plaintiff Gilbert Pogany shall have Judgment against Defendants in the total sum of
11	\$23,657.06, attributed and to be paid as follows:
12	Lost Salary: \$9,234. Of that amount, \$320.12 shall be withheld as Plaintiff's
13	contribution to the Arizona State Retirement System.
14	Interest on Lost Salary: \$13,650. Of that amount \$452.94 shall be withheld and
15	submitted on Plaintiff's behalf to the Arizona State Requirement System as interest
16	on Plaintiff's share of the retirement contribution. The balance shall be paid
17	directly to the Plaintiff and shall be reported to the Internal Revenue Service on
18	Form 1099.
19	Employer ASRS Contribution: \$320.12. This amount will be paid on Plaintiff's
20	behalf, by Defendants, directly to the Arizona State Retirement System.
21	Interest on Employer ASRS Contribution: \$452.94. This amount will be paid
22	on Plaintiff's behalf, by Defendants, directly to the Arizona State Retirement
23	System.
24	
25	Timothy Porter
26	

1	Plaintiff Timothy Porter shall have Judgment against Defendants in the total sum of
2	\$29,326, attributed and to be paid as follows:
3	Lost Salary: \$16,792. Of that amount, \$1,175 shall be withheld as Plaintiff's
4	contribution to the Optional Retirement Plan and will be submitted to the Optional
5	Retirement Plan on the Plaintiff's behalf.
6	Interest on Lost Salary: \$10,616. Of this amount, \$743 shall be withheld and
7	submitted on the Plaintiff's behalf to the Optional Retirement Plan as interest on
8	Plaintiff's share of the retirement contribution. The balance shall be paid directly to
9	the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099.
10	Employer ORP Contributions: \$1,175. This amount will be paid on Plaintiff's
11	behalf, by Defendants, directly to the Optional Retirement Plan.
12	Interest on Employer ORP Retirement Contributions: \$743. This amount will
13	be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement
14	Plan.
15	Raise in Current Salary: Plaintiff's current annual salary shall be raised by
16	\$1,328.
17	
18	Loren Reser
19	Plaintiff Loren Reser shall have Judgment against Defendants in the total sum of
20	\$44,042, attributed and to be paid as follows:
21	Lost Salary: \$24,980. Of that amount, \$1,749 shall be withheld as Plaintiff's
22	contribution to the Optional Retirement Plan and will be submitted to the Optional
23	Retirement Plan on the Plaintiff's behalf.
24	Interest on Lost Salary: \$16,180. Of this amount, \$1,133 shall be withheld and
25	submitted on the Plaintiff's behalf to the Optional Retirement Plan as interest on
26	

1	Plaintiff's share of the retirement contribution. The balance shall be paid directly to
2	the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099.
3	Employer ORP Contributions: \$1,749. This amount will be paid on Plaintiff's
4	behalf, by Defendants, directly to the Optional Retirement Plan.
5	Interest on Employer ORP Retirement Contributions : \$1,133. This amount will
6	be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement
7	Plan.
8	Raise in Current Salary: Plaintiff's current annual salary shall be raised by
9	\$2,002.
10	Adrian Riskin
11	Plaintiff Adrian Riskin shall have Judgment against Defendants in the total sum of
12	\$12,326, attributed and to be paid as follows:
13	Lost Salary: \$5,341. Professor Riskin was a member of the ASRS, but terminated
14	his membership and withdrew all funds. No retirement contributions are being
15	made on his behalf.
16	Interest on Lost Salary: \$6,985.
17	
18	George Rudebusch
19	Plaintiff George Rudebusch shall have Judgment against Defendants in the total
20	sum of \$140,130, attributed and to be paid as follows:
21	Lost Salary: \$78,333. Of that amount, \$5,483 shall be withheld as Plaintiff's
22	contribution to the Optional Retirement Plan and will be submitted to the Optional
23	Retirement Plan on the Plaintiff's behalf.
24	Interest on Lost Salary: \$52,630. Of this amount, \$3,684 shall be withheld and
25	submitted on the Plaintiff's behalf to the Optional Retirement Plan as interest on
26	

1	Plaintiff's share of the retirement contribution. The balance shall be paid directly to
2	the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099.
3	Employer ORP Contributions: \$5,483. This amount will be paid on Plaintiff's
4	behalf, by Defendants, directly to the Optional Retirement Plan.
5	Interest on Employer ORP Retirement Contributions: \$3,684. This amount will
6	be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement
7	Plan.
8	Raise in Current Salary: Plaintiff's current annual salary shall be raised by
9	\$6,096.
10	Howard Salisbury
11	Plaintiff Howard Salisbury shall have Judgment against Defendants in the total sum
12	of \$79,965, attributed and to be paid as follows:
13	Lost Salary: \$37,611. Of that amount, \$2,633 shall be withheld as Plaintiff's
14	contribution to the Optional Retirement Plan and will be submitted to the Optional
15	Retirement Plan on the Plaintiff's behalf.
16	Interest on Lost Salary: \$37,122. Of this amount, \$2,599 shall be withheld and
17	submitted on the Plaintiff's behalf to the Optional Retirement Plan as interest on
18	Plaintiff's share of the retirement contribution. The balance shall be paid directly to
19	the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099.
20	Employer ORP Contributions : \$2,633. This amount will be paid on Plaintiff's
21	behalf, by Defendants, directly to the Optional Retirement Plan.
22	Interest on Employer ORP Retirement Contributions: \$2,599. This amount will
23	be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement
24	Plan.
25	Michael Sanera
26	

1 Plaintiff Michael Sanera shall have Judgment against Defendants in the total sum of 2 \$14,787, attributed and to be paid as follows: 3 **Lost Salary:** \$5,662. Of that amount, \$396 shall be withheld as Plaintiff's 4 contribution to the Optional Retirement Plan and will be submitted to the Optional 5 Retirement Plan on the Plaintiff's behalf. 6 **Interest on Lost Salary**: \$8,158. Of this amount, \$571 shall be withheld and 7 submitted on the Plaintiff's behalf to the Optional Retirement Plan as interest on 8 Plaintiff's share of the retirement contribution. The balance shall be paid directly to 9 the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099. 10 **Employer ORP Contributions**: \$396. This amount will be paid on Plaintiff's 11 behalf, by Defendants, directly to the Optional Retirement Plan. 12 **Interest on Employer ORP Retirement Contributions**: \$571. This amount will 13 be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement 14 Plan. **James Simmerman** 15 16 Plaintiff James Simmerman shall have Judgment against Defendants in the total 17 sum of \$152,359, attributed and to be paid as follows: 18 **Lost Salary:** \$85,486. Of that amount, \$5,984 shall be withheld as Plaintiff's 19 contribution to the Optional Retirement Plan and will be submitted to the Optional 20 Retirement Plan on the Plaintiff's behalf. 21 Interest on Lost Salary: \$56,906. Of this amount, \$3,983 shall be withheld and submitted on the Plaintiff's behalf to the Optional Retirement Plan as interest on 22 23 Plaintiff's share of the retirement contribution. The balance shall be paid directly to 24 the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099. 25 **Employer ORP Contributions**: \$5,984. This amount will be paid on Plaintiff's 26 behalf, by Defendants, directly to the Optional Retirement Plan.

Interest on Employer ORP Retirement Contributions: \$3,983. This amount will 1 2 be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement 3 Plan. 4 Wayne Sjoberg 5 Plaintiff Wayne Sjoberg shall have Judgment against Defendants in the total sum of 6 \$27,340, attributed and to be paid as follows: 7 **Lost Salary:** \$15,293. Of that amount, \$1,071 shall be withheld as Plaintiff's 8 contribution to the Optional Retirement Plan and will be submitted to the Optional 9 Retirement Plan on the Plaintiff's behalf. 10 **Interest on Lost Salary**: \$10,258. Of this amount, \$718 shall be withheld and submitted on the Plaintiff's behalf to the Optional Retirement Plan as interest on 11 12 Plaintiff's share of the retirement contribution. The balance shall be paid directly to 13 the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099. 14 **Employer ORP Contributions**: \$1,071. This amount will be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement Plan. 15 **Interest on Employer ORP Retirement Contributions**: \$718. This amount will 16 17 be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement 18 Plan. 19 **Raise in Current Salary:** Plaintiff's current annual salary shall be raised by 20 \$1,931. **Michael Tanner** 21 22 Plaintiff Michael Tanner shall have Judgment against Defendants in the total sum of 23 \$13,356, attributed and to be paid as follows: 24 **Lost Salary:** \$6,058. Of that amount, \$424 shall be withheld as Plaintiff's 25 contribution to the Optional Retirement Plan and will be submitted to the Optional Retirement Plan on the Plaintiff's behalf. 26

1	Interest on Lost Salary : \$6,424. Of this amount, \$450 shall be withheld and
2	submitted on the Plaintiff's behalf to the Optional Retirement Plan as interest on
3	Plaintiff's share of the retirement contribution. The balance shall be paid directly to
4	the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099.
5	Employer ORP Contributions: \$424. This amount will be paid on Plaintiff's
6	behalf, by Defendants, directly to the Optional Retirement Plan.
7	Interest on Employer ORP Retirement Contributions: \$450. This amount will
8	be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement
9	Plan.
10	Charles Way
11	Plaintiff Charles Way shall have Judgment against Defendants in the total sum of
12	\$4,557.29, attributed and to be paid as follows:
13	Lost Salary: \$2,385. Of that amount, \$75.11 shall be withheld as Plaintiff's
14	contribution to the Arizona State Retirement System.
15	Interest on Lost Salary: \$2,032. Of that amount \$65.18 shall be withheld and
16	submitted on Plaintiff's behalf to the Arizona State Requirement System as interest
17	on Plaintiff's share of the retirement contribution. The balance shall be paid
18	directly to the Plaintiff and shall be reported to the Internal Revenue Service on
19	Form 1099.
20	Employer ASRS Contribution: \$75.11. This amount will be paid on Plaintiff's
21	behalf, by Defendants, directly to the Arizona State Retirement System.
22	Interest on Employer ASRS Contribution: \$65.18. This amount will be paid on
23	Plaintiff's behalf, by Defendants, directly to the Arizona State Retirement System.
24	James Windes
25	Plaintiff James Windes shall have Judgment against Defendants in the total sum of
26	\$45,298.66, attributed and to be paid as follows:

1 **Lost Salary:** \$19,700. Of that amount, \$708.67 shall be withheld as Plaintiff's 2 contribution to the Arizona State Retirement System. 3 **Interest on Lost Salary:** \$24,062. Of that amount \$827.99 shall be withheld and 4 submitted on Plaintiff's behalf to the Arizona State Requirement System as interest 5 on Plaintiff's share of the retirement contribution. The balance shall be paid 6 directly to the Plaintiff and shall be reported to the Internal Revenue Service on 7 Form 1099. 8 **Employer ASRS Contribution:** \$708.67. This amount will be paid on Plaintiff's 9 behalf, by Defendants, directly to the Arizona State Retirement System. 10 **Interest on Employer ASRS Contribution:** \$827.99. This amount will be paid 11 on Plaintiff's behalf, by Defendants, directly to the Arizona State Retirement 12 System. 13 Michael Wunsch 14 Plaintiff Michael Wunsch shall have Judgment against Defendants in the total sum of \$29,146, attributed and to be paid as follows: 15 **Lost Salary:** \$12,739. Of that amount, \$892 shall be withheld as Plaintiff's 16 17 contribution to the Optional Retirement Plan and will be submitted to the Optional 18 Retirement Plan on the Plaintiff's behalf. 19 **Interest on Lost Salary**: \$14,500. Of this amount, \$1,015 shall be withheld and 20 submitted on the Plaintiff's behalf to the Optional Retirement Plan as interest on 21 Plaintiff's share of the retirement contribution. The balance shall be paid directly to the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099. 22 23 **Employer ORP Contributions**: \$892. This amount will be paid on Plaintiff's 24 behalf, by Defendants, directly to the Optional Retirement Plan. 25 26

1 **Interest on Employer ORP Retirement Contributions**: \$1,015. This amount will 2 be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement 3 Plan. 4 Robert Zoellner Plaintiff Robert Zoellner shall have Judgment against Defendants in the total sum of 5 \$68,320, attributed and to be paid as follows: 6 7 **Lost Salary:** \$28,936. Of that amount, \$2,026 shall be withheld as Plaintiff's 8 contribution to the Optional Retirement Plan and will be submitted to the Optional 9 Retirement Plan on the Plaintiff's behalf. 10 **Interest on Lost Salary**: \$34,914. Of this amount, \$2,444 shall be withheld and submitted on the Plaintiff's behalf to the Optional Retirement Plan as interest on 11 12 Plaintiff's share of the retirement contribution. The balance shall be paid directly to 13 the Plaintiff and shall be reported to the Internal Revenue Service on Form 1099. 14 **Employer ORP Contributions**: \$2,026. This amount will be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement Plan. 15 **Interest on Employer ORP Retirement Contributions**: \$2,444. This amount will 16 17 be paid on Plaintiff's behalf, by Defendants, directly to the Optional Retirement 18 Plan. 19 IT IS ORDERED that Plaintiffs no longer employed by NAU shall provide NAU 20 with income tax withholding forms (IRS W-4) within 10 days of the entry of judgment. 21 IT IS FURTHER ORDERED that the above amounts shall be paid within 15 22 business days after receipt of all of the individual Plaintiffs' tax withholding forms. All 23 payments to the Plaintiffs shall be forwarded to Plaintiffs' counsel and shall be considered 24 "paid" upon Plaintiffs' counsel's receipt. Payments to the ASRS and ORP shall be 25 considered "paid" when transmitted by NAU.

IT IS FURTHER ORDERED that post-judgment interest shall be awarded in accordance with 28 U.S.C. § 1961. DATED this 23rd day of February, 2007. Senior United States District Judge