

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON  
2 FOR THE COUNTY OF MULTNOMAH

3 ENGEDAW BERHANU, Personal )  
4 Representative of the Estate of )  
5 MULUGETA SERAW, Deceased, )  
6 )  
7 Plaintiff, )

No. A8911-07007

8 vs. )

9 TOM METZGER, individually and )  
10 as President of the White Aryan )  
11 Resistance; WHITE ARYAN )  
12 RESISTANCE, an unincorporated )  
13 association; JOHN METZGER; )  
14 KENNETH MIESKE; and KYLE )  
15 BREWSTER, )

JUDGMENT

16 Defendants. )

17 This matter having come on regularly for trial by jury  
18 on October 8, 1990, before the Honorable Ancer L. Haggerty, Judge  
19 of the above-entitled Court, plaintiff appearing in person, and  
20 by his counsel, Morris S. Dees, Jr. and Elden M. Rosenthal,  
21 defendants Tom Metzger, John Metzger and White Aryan Resistance  
22 appearing in person, and defendants Kenneth Mieske and Kyle  
23 Brewster appearing not, a jury having been selected, impanelled  
24 and sworn, opening statements having been made, evidence having  
25 been received on behalf of the respective parties, arguments  
26 having been addressed to the jury, the Court having instructed  
the jury upon the law, and the jury thereupon having retired for  
deliberation, did return its verdict in words and figures as  
follows, omitting the title of the Court and cause, and omitting  
instructions to the jury as to the preparation of the jury as to  
the preparation of the verdict form, to-wit:

FILED  
OCT 11 1990  
CLERK OF COURT

1 "We the jury, being duly impanelled to well  
2 and truly try the above-entitled cause, do  
find our verdict as follows:

3 "QUESTION NO. 1: Did one or more of the  
4 Oregon defendants wrongfully cause the  
death of Mulugeta Seraw?

5 "ANSWER: Yes  X  No  \_\_\_\_\_

6 "IF YOU HAVE ANSWERED 'NO' TO QUESTION NO. 1,  
7 YOUR VERDICT IS FOR ALL OF THE DEFENDANTS.  
8 YOU SHOULD NOT ANSWER ANY FURTHER QUESTIONS.  
YOUR PRESIDING JUROR SHOULD SIGN AND DATE  
THE VERDICT.

9 "IF YOU HAVE ANSWERED "YES," PLEASE INDICATE  
10 WHICH OREGON DEFENDANTS WRONGFULLY CAUSED THE  
11 DEATH OF MULUGETA SERAW, AND THEN ANSWER  
THE REMAINING QUESTIONS ABOUT THE CALIFORNIA  
DEFENDANTS:

12 "Kenneth Mieske Yes  X  No  \_\_\_\_\_

13 "Kyle Brewster Yes  X  No  \_\_\_\_\_

14 "QUESTION NO. 2: Did one or more of the  
15 California defendants -- through their agents --  
16 substantially assist in, or encourage, the  
conduct of the Oregon defendants that caused  
the death of Mulugeta Seraw?

17 "ANSWER: Yes  X  No  \_\_\_\_\_

18 "IF YOU HAVE ANSWERED "YES," PLEASE INDICATE  
19 WHICH CALIFORNIA DEFENDANTS -- THROUGH THEIR  
20 AGENTS -- SUBSTANTIALLY ASSISTED IN, OR  
ENCOURAGED, THE CONDUCT OF THE OREGON DEFEN-  
DANTS:

21 "Tom Metzger Yes  X  No  \_\_\_\_\_

22 "John Metzger Yes  X  No  \_\_\_\_\_

23 "White Aryan Resistance Yes  X  No  \_\_\_\_\_

24 "QUESTION NO. 3: Were one or more of the  
25 California defendants involved in a conspiracy  
26 with the Oregon defendants that led to the  
death of Mulugeta Seraw?

"ANSWER: Yes  X  No  \_\_\_\_\_

1 "IF YOU HAVE ANSWERED "YES," PLEASE INDICATE  
2 WHICH CALIFORNIA DEFENDANTS WERE INVOLVED  
3 IN A CONSPIRACY WITH THE OREGON DEFEN-  
4 ANTS:

5 "Tom Metzger Yes  X  No

6 "John Metzger Yes  X  No

7 "White Aryan Resistance Yes  X  No

8 "QUESTION NO. 4: Did one or more of the  
9 California defendants cause the death of  
10 Mulugeta Seraw by recklessly selecting or  
11 retaining agents to organize East Side  
12 White Pride?

13 "ANSWER: Yes  X  No

14 "IF YOU HAVE ANSWERED "YES," PLEASE INDICATE  
15 WHICH CALIFORNIA DEFENDANTS RECKLESSLY  
16 SELECTED OR RETAINED AGENTS TO ORGANIZE EAST  
17 SIDE WHITE PRIDE:

18 "Tom Metzger Yes  X  No

19 "John Metzger Yes  X  No

20 "White Aryan Resistance Yes  X  No

21 "QUESTION NO. 5: What percentage of the total  
22 fault for the death of Mulugeta Seraw is  
23 attributable to each defendant you have found  
24 liable, and what percentage, if any, is attrib-  
25 utable to Seraw himself?

26 "ANSWER: % of Fault

"Tom Metzger  20

"John Metzger  20

"White Aryan Resistance  20

"Kenneth Mieske  20

"Kyle Brewster  20

"Mulugeta Seraw  0

"TOTAL  100%

1           "(You should determine a percentage of fault  
2           only for those defendants you have found  
3           liable in your answers to Question Nos. 1,  
4           2, 3 or 4.)

5           "QUESTION NO. 6: What are plaintiff's mone-  
6           etary damages?

7           "1. For economic damages:                   \$ 475,469.00

8           "2. For noneconomic damages:               \$2,000,000.00

9           "3. For punitive damages (total  
10           may not exceed \$10 million):

11           "Tom Metzger                                 \$5,000,000.00

12           "John Metzger                                 \$1,000,000.00

13           "White Aryan Resistance                         \$3,000,000.00

14           "Kenneth Mieske                                 \$ 500,000.00

15           "Kyle Brewster                                 \$ 500,000.00

16           "DATED this 22nd day of October, 1990.

17                                 Russell O'Connor  
18                                 Presiding Juror"

19           Said verdict having been received and entered, and  
20           accepted by the Court, and the Court being fully advised in the  
21           premises, now, therefore, based upon said verdict, it is

22           HEREBY ORDERED AND ADJUDGED that pursuant to the  
23           Judgment Summary attached hereto, plaintiff have of and recover  
24           from defendants damages in the following amounts:

25           Pursuant to ORS 18.560, plaintiff's motion to hold that  
26           statute unconstitutional under the federal and state  
          constitutions having been denied, plaintiff's noneconomic damages  
          are reduced from \$2,000,000.00 to \$500,000. Therefore,  
          defendants are each severally liable for \$100,000.00;

1 As to all defendants jointly and severally, economic  
2 damages in the sum of \$475,469.00;

3 As to defendant Tom Metzger, punitive damages in the  
4 sum of \$5,000,000.00;

5 As to defendant John Metzger, punitive damages in the  
6 sum of \$1,000,000.00;

7 As to defendant White Aryan Resistance, punitive  
8 damages in the sum of \$3,000,000.00;

9 As to defendant Kenneth Mieske, punitive damages in the  
10 sum of \$500,000.00; and

11 As to defendant Kyle Brewster, punitive damages in the  
12 sum of \$500,000.00.

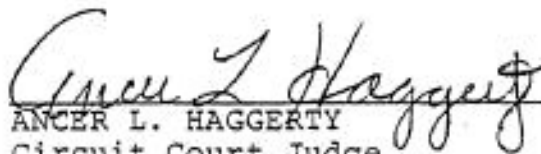
13 IT IS FURTHER ORDERED AND ADJUDGED that plaintiff  
14 recover from the defendants, and each of them, his costs and  
15 disbursements taxed and allowed herein in the sum of  
16 \$ \_\_\_\_\_, the aggregate of which is to bear interest at  
17 the legal rate of 9% per annum from the date of entry hereof  
18 until paid, and that execution shall issue therefor.

19 MONEY JUDGMENT

20 Judgment Creditor:	Estate of Mulugeta Seraw
21 Judgment Creditor's Attorneys:	Elden M. Rosenthal
22	Morris S. Dees, Jr.
23 Amount of Judgment:	\$10,975,469.00
24 Pre-Judgment Interest:	None
25 Specific Amount Awarded as	
26 Costs:	\$ _____

1 Post-Judgment Interest: 9% per annum on the entire sum  
2 (\$ \_\_\_\_\_) from  
3 \_\_\_\_\_, 1990  
4 until paid  
5

6 DATED this 25 day of October, 1990.

7  
8  
9   
10 ANCKER L. HAGGERTY  
Circuit Court Judge

11 I, Elden M. Rosenthal, of attorneys for the party in  
12 whose favor the judgment has been rendered, hereby certify that  
13 the information contained in the summary accurately reflects the  
14 judgment.

15 DATED this 25 day of October, 1990.

16 ROSENTHAL & GREENE, P.C.

17  
18 /s/ Elden M. Rosenthal

19 Elden M. Rosenthal  
Oregon State Bar No. 72217

20 Of Attorneys for Plaintiff  
21  
22  
23  
24  
25  
26

1                                      CERTIFICATE OF SERVICE

2                I hereby certify that I served the foregoing  
3 proposed form of Judgment on the parties, and at the addresses,  
4 listed below by depositing a true copy thereof, certified by me  
5 as such and contained in a sealed envelope with postage paid  
6 thereon, in the Post Office at Portland, Oregon on the 25th day  
7 of October, 1990. Between said Post Office and the addresses to  
8 which said copies were mailed there is regular communication by  
9 U. S. Mail.

10           TOM METZGER  
11           Via Fax: (619) 728-0211  
12           P. O. Box 65  
13           Fallbrook, CA 92028

            JOHN METZGER  
            P. O. Box 1784  
            Fallbrook, CA 92028

14           WHITE ARYAN RESISTANCE  
15           c/o Tom Metzger  
16           P. O. Box 65  
17           Fallbrook, CA 92028

            KENNETH MIESKE  
            Oregon State Correctional  
            Institution  
            3405 Deer Park Drive S.E.  
            Salem, OR 97310

18           KYLE BREWSTER  
19           Oregon State Correctional  
20           Institution  
21           3405 Deer Park Drive S.E.  
22           Salem, OR 97310

            MICHAEL H. SIMON  
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            111 S.W. Fifth Avenue  
            Portland, OR 97204

23           DAVID SUGERMAN  
24           Attorney at Law  
25           1020 S.W. Taylor Street  
26           Suite 800  
            Portland, OR 97205

DATED this 25th day of October, 1990.

ROSENTHAL & GREENE, P.C.

/s/ Elden M. Rosenthal

Elden M. Rosenthal  
Oregon State Bar No. 72217