

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT - DIVISION IV
CIVIL ACTION No. 18-CI-00103

ENTERED
ATTEST, VINCENT RIGGS, CLERK
MAY 04 2022
FAYETTE CIRCUIT CLERK
BY _____ DEPUTY

SERGIO L. MELGAR

PLAINTIFF

vs.

Trial, Verdict and Judgment

UNIVERSITY OF KENTUCKY

DEFENDANT

The parties appeared on the 18th day of April 2022 and both parties announced they were ready for trial. The Court conducted voir dire and during the course of jury selection several jurors were stricken by preemptory strike. Thereafter, the following jurors were duly sworn to try the issues:

Courtney Caudell, No. 3887

Sarah Catlett, No. 3787

Zachary Payne, No. 3890

Donna Burus, No. 3853

Donald Hudson, No. 3898

Kayla Johnson, No. 3804

Francis Cehmichael, No. 3772

Octavia Hines, No. 3847

Ashley Webb, No. 3844

Laura Rollins, No. 3839

David Hines, No. 3841

Rogel Williams, No. 3895

Estill Shephard, No. 3900

All testimony and proceedings of this trial were recorded by video.

Following opening statements, Plaintiff proceeded with presentation of his case in chief. The trial progressed and not being concluded at the hour of adjournment, the trial was adjourned until Tuesday, April 19, 2022, at which time the parties appeared again.

On Tuesday, April 19, 2022, Plaintiff continued with his case in chief. One witness for Defendant's case in chief, Brett Short, was taken out of order by agreement of the parties and permission of the Court. The trial progressed and not being concluded at the hour of adjournment, the trial was adjourned until Wednesday, April 20, 2022, at which time the parties appeared again.

On Wednesday, April 20, 2022, Plaintiff completed his proof and announced he had closed his case in chief. Defendant moved for directed verdict on all of Plaintiff's claims on grounds including that Plaintiff failed to establish causation as to his retaliation claim. Plaintiff also moved for directed verdict on his retaliation claim. The Court entertained arguments and denied both parties' motions. Thereafter, Defendant proceeded with its case in chief, and after that, announced it had closed its case in chief. At that time, both parties renewed their motions for directed verdict. The Court entertained arguments and denied all motions.

The Court then conducted a conference with counsel outside the presence of the jury to review and discuss proposed jury instructions, including proposed instructions filed by Plaintiff and Defendant's proposed revisions to the same as set out in its Second Amended Proposed Jury Instructions, including Defendant's proposal for a mitigation instruction on Interrogatory Nos. 2 (discriminatory termination) and 6 (retaliation), which

the Court declined after considering Defendant's related argument and objection. Following conference with counsel, the Court instructed the jury on the law of the case. The jury retired for deliberations with the sole alternate juror (No. 3887) having already been excused on April 19, 2022 for personal reasons.

The jury returned into Court and announced the following verdict:

Interrogatory No. 1

Are you satisfied from the evidence that Plaintiff Sergio Melgar's race and/or national origin was a factor but for which he would not have been terminated?

YES

NO

As the verdict was unanimous, the foreperson of the jury, David K. Hines (#3841), signed the verdict.

Interrogatory No. 3

Are you satisfied from the evidence that Plaintiff Sergio Melgar's race and/or national origin was a factor but for which he would have been paid more?

YES

NO

As the verdict was unanimous, the foreperson of the jury, David K. Hines (#3841), signed the verdict.

Interrogatory No. 5

Are you satisfied from the evidence that Plaintiff Sergio Melgar's good faith protests and complaints regarding discrimination based on race and/or national origin were a factor but for which Defendant would not have retaliated against him?

YES

NO

As the verdict was unanimous, the foreperson of the jury, David K. Hines (#3841), signed the verdict.

Interrogatory No. 6

If you found for Plaintiff Sergio Melgar and answered "Yes" to Interrogatory No. 5, you will determine from the evidence and award him a sum or sums of money that will fairly and reasonably compensate him for such of the following damages as you believe from the evidence he has sustained by reason of Defendant retaliating against him:

- (a) Compensation, including fringe benefits and bonuses, that Sergio Melgar has lost as a result of Defendant's retaliation against him, not to exceed a total award of \$2,203,534.92 under this instruction:

\$ 1,500,000.00

- (b) Emotional distress, embarrassment and humiliation that Sergio Melgar has suffered as a direct result of Defendant's retaliation

against him, not to exceed a total award of \$500,000.00 under this instruction:

\$ 250,000.00

As the verdict was unanimous, the foreperson of the jury, David K. Hines (#3841), signed the verdict.

Wherefore, it is **Ordered and Adjudged** that Plaintiff Sergio Melgar shall recover from defendant University of Kentucky, the sum of **one million seven hundred fifty thousand dollars (\$1,750,000.00)**, together with the costs of his lawsuit including reasonable fees for his attorneys of record pursuant to KRS 344.450. Plaintiff shall present his application and supporting documentation for costs and attorney fees within twenty-eight (28) days from entry of this trial verdict and judgment. This trial verdict and judgment shall not be deemed final and appealable until ten (10) days after entry of this Court's order on Plaintiff's application for costs and attorney fees.

Entered this 3 day of MAY, 2022.

/S/ JULIE MUTH GOODMAN
A TRUE COPY
ATTEST: VINCENT RIGGS, CLERK
FAYETTE CIRCUIT COURT
BY V. Riggs DEPUTY

Hon. Julie M. Goodman
Judge, Fayette Circuit Court

Attest:


Counsel for Plaintiff


Counsel for Defendant

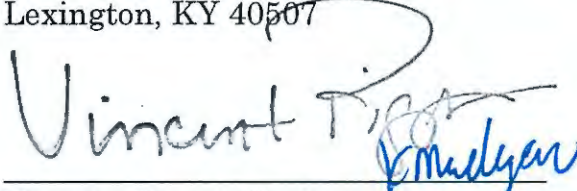
Certification of Clerk

Pursuant to CR. 77.04 it is hereby certified that the foregoing Trial, Verdict and Judgment has been entered upon the parties by mailing true copies on this MAY 04 2022 day of _____, 2022, to the following counsel of record:

Robert L. Abell
120 North Upper Street
Lexington, KY 40507

Jon B. Allison
Freking Myers & Reul LLC
600 Vine St., 9th Floor
Cincinnati, OH 45202

Joshua M. Salsburey
Jessica R. Stigall
Sturgill, Turner, Barker & Moloney, PLLC
333 W. Vine St., Suite 1500
Lexington, KY 40507


Fayette Circuit Clerk