

**Rook E. Greenwood vs.
Chief Billie Durden, in His/Her Individual Capacity as Chief of the Reillyville Police
Clarification #1**

1. We note that the explicit wording of the four-prong test in the jury instructions (p. 62) differs from the four-prong test in the text of Bryson v. Waycross (p.59). Which standard applies? If the jury instructions apply, aren't some exhibits irrelevant?

As indicated in the jury instructions, the Court has determined as a matter of law that Plaintiff engaged in protected speech and could not be penalized for that protected speech. This ruling is consistent with the Pickering test in Bryson v. Waycross, as it expresses the Court's finding that Defendant's interest in maintaining an effective police force does not override Plaintiff's right to speech on matters of public concern. The Court has ruled on all pre-trial motions and reserves for trial the issue of exclusion of remaining evidence. Counsel for the parties are advised that evidence offered solely on grounds that relate to the issue of protected speech may be excluded upon proper objection.

2. Correction: In paragraph one of the "Case Summary" (pg 13) it reads "Miltonville" for the location. That should read "Reillyville".

3. Correction: The header of the "Complaint" (pg 15) reads "In the United States District Court Eastern District of Minnesota Reillyville Division". "Eastern" should be replaced with "Western".

4. In Exhibit 11 there is reference to the vehicle bought by the city for the Mayor, this conflicts with the rest of the case materials where the vehicle is for the current police Chief. Is this a typo?

Yes. Exhibit 11 should read (after the third question) ...vehicle purchased by the city for the current Chief and...