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Our File No. 2479-001.S

**SETTLEMENT COMMUNICATION SUBJECT TO RULE 408**

July 29, 2021

**VIA EMAIL ONLY**

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Re: *Discrimination and Retaliation Against Steve Hirjak*

Dear Mr. Fields and Mr. Diaz:

Steve Hirjak has retained our firm to represent him in relation to his recent demotion from Assistant Chief to Captain in the Seattle Police Department (SPD). Mr. Hirjak maintains the City of Seattle and Mr. Diaz have discriminated against him on account of his race in violation of the Washington Law Against Discrimination, chapter 49.60 RCW (WLAD), Title VII of the Civil Rights Act of 1964 (Title VII), and 42 U.S.C. § 1981 (Section 1981). Mr. Hirjak also maintains the City and Mr. Diaz have violated these statutes by retaliating against him after he complained of the disparate treatment he received. Enclosed with this letter is a copy of the Claim for Damages form that we submitted to the City of Seattle today on Mr. Hirjak's behalf.

Mr. Hirjak has strong claims for discrimination and retaliation, and we are fully prepared to litigate those claims. Nevertheless, Mr. Hirjak has authorized us to explore the possibility of settlement before filing suit. For that reason, we are writing to determine whether the City and Mr. Diaz are interested in mediation.

Below we summarize the underlying facts, the resulting legal claims, and the potential exposure to the City and Mr. Diaz for the harm Mr. Hirjak has suffered and will continue to suffer because of the wrongful actions taken against him. Please direct any response to us. If either of you are represented by counsel in relation to Mr. Hirjak's claims, please forward this letter to your lawyer.

## **FACTUAL BACKGROUND**

Mr. Hirjak has had a stellar career with the SPD. He joined the force in October 1993 and graduated from the academy the following year. Over the next two decades, Mr. Hirjak served as a Patrol Officer, Patrol Supervisor, Domestic Violence Unit Detective, an Investigator with the Office of Police Accountability (OPA), and an Equal Opportunity Employment (EEO) Sergeant. In 2014, Mr. Hirjak became a Lieutenant with the Force Investigation Team. He advanced to the position of Captain with that unit in 2017 and later served as Captain of the Education and Training Section.

In August 2018, Mr. Hirjak was promoted to Assistant Chief of Homeland Security and Special Operations on an interim basis, a position that became permanent two months later. He was the first (and remains the only) Asian American promoted to a Command Staff position within the SPD.

On May 26, 2021, Mr. Diaz demoted Mr. Hirjak back to the rank of Captain. In doing so, Mr. Diaz and the City discriminated against Mr. Hirjak by treating him differently from white SPD officers.

This was not, unfortunately, Mr. Hirjak's first encounter with discrimination as an SPD employee. At the academy in 1993, for example, several classmates disdainfully referred to Mr. Hirjak as "an EEO hire." And at various points throughout his career, Mr. Hirjak has experienced disparate treatment, regularly seeing less experienced and less qualified white officers receive promotions ahead of him. But the decision to demote Mr. Hirjak is by far the most consequential discriminatory action taken against him to date.

The demotion followed OPA's investigation of improper conduct by SPD Lieutenant John Brooks during the demonstrations of 2020. On June 1 of that year, a large crowd gathered at a police barricade on 11th Avenue and Pike, near the East Precinct, to protest the killing of George Floyd. Lt. Brooks was in tactical command of the police line holding back the crowd. At 9:10 p.m., he directed officers to deploy blast balls and tear gas against demonstrators. When he did so, Lt. Brooks claimed the order came from the Incident Commander, Mr. Hirjak, which was false.

On December 28, 2020, after a thorough review, OPA determined that Lt. Brooks was solely responsible for the decision to disperse the crowd with blast balls and tear gas. Under SPD policy, a crowd may be dispersed only when a "substantial risk" of injury or property destruction exists. And blast balls and tear gas may be used only when there is an "immediate life safety emergency." OPA concluded there was no substantial risk of injury or property destruction and no immediate life safety emergency. As a result, Lt. Brooks violated SPD policy when he gave the order to disperse the crowd with blast balls and tear gas.

OPA interviewed Mr. Hirjak as part of its review and cited his testimony in support of its findings. There was no indication that Mr. Hirjak did anything wrong. Indeed, OPA removed Mr. Hirjak as a named employee in the investigation.

On May 12, 2021, Mr. Diaz announced that he was overruling OPA's determination regarding Lt. Brooks. Even though OPA had concluded that Lt. Brooks alone ordered the excessive force used against demonstrators on June 1, 2020, Mr. Diaz stated: "I cannot hold [Lt. Brooks] responsible for circumstances that week created at a higher level of command authority and for carrying out decisions made at a higher rank." Lt. Brooks, it should be noted, is white.

Members of the community, including City councilmembers, raised immediate concerns about Mr. Diaz's decision to absolve Lt. Brooks. In response, Mr. Diaz wrote that "additional information has surfaced which was not include in the OPA investigation," and he said he would "quickly and fully reach a conclusion on who was accountable for the actions on that day . . . ."

Two weeks later, on May 26, 2021, Mr. Diaz admitted that his assertion about new facts coming to light was false, stating there was "no information that OPA did not have access to." Nevertheless, he announced he was holding Mr. Hirjak accountable for the events of June 1, 2020, removing him from the position of Assistant Chief, and returning him to the rank of Captain. For a Chief to publicly state a decision like this was unprecedented. And Chief Diaz did this during Asian American and Pacific Islander Heritage Month despite having received OPA's determination on Lt. Brooks nearly six months earlier.

On numerous occasions throughout his career, Mr. Hirjak swallowed his pride and tolerated the discrimination he experienced. But a demotion was too much. On the day of Mr. Diaz's announcement, Mr. Hirjak filed a formal EEO complaint against the SPD. In an email to Rebecca McKechnie and Mr. Fields, Mr. Hirjak addressed the demotion and other examples of the disparate treatment he saw over the past year. Mr. Hirjak noted, for example, that under both Mr. Diaz and Chief Carmen Best, he routinely failed to receive callbacks and was left out of the loop regarding decisions within his area of responsibility—issues he did not see occurring with white Assistant Chiefs. He also noted how his authority was undermined by Chief Best, Assistant Chief Tom Mahaffey, and then-Assistant Chief Diaz.

The disparate treatment Mr. Hirjak experienced took various forms. For example, on June 1, 2020, before Lt. Brooks ordered the use of excessive force, Chief Best told Mr. Hirjak that Assistant Chief Mahaffey would be taking over as Incident Commander the following day. In that role, Mr. Hirjak had been operating on fewer than two hours of sleep each night during the previous week, working 18-to-19-hour shifts that started at 9:00 a.m. and ended at 3:00 or 4:00 a.m. the next day. Chief Best would then call him at 6:00 a.m. before the two briefed Mayor Jenny Durkan and others at 7:00 a.m. On June 3—the first such briefing after Assistant

Chief Mahaffey took over—Mr. Hirjak attended for the sake of continuity. The Mayor asked why the new Incident Commander, Assistant Chief Mahaffey, was not on the call. Chief Best stated it was because he had worked until 3:00 a.m. and needed sleep. This happened more than once, yet Chief Best never made an exception for Mr. Hirjak even though he worked the same hours.

After he took over as Incident Commander, Assistant Chief Mahaffey authorized the use of tear gas and blast balls to disperse crowds many times. And he disregarded instructions to defend the East Precinct and ultimately abandoned it. Chief Best ordered Assistant Chief Mahaffey to retake the precinct, but he sent only a small contingent of officers and eventually retreated rather than reclaim the area. It is now known that Assistant Chief Mahaffey and his deputies, including then-Captain Todd Kibbee and Captain Kevin Grossman, had unilaterally decided to leave the East Precinct and failed to tell Chief Best even while they were coordinating with the officers on site to evacuate.

During all this, Assistant Chief Mahaffey failed to accomplish other tasks, such as obtaining adequate fencing and arranging for the jail to accept arrestees. Mr. Hirjak was repeatedly called on to address these issues, which he did along with then-Captain Bryan Grenon. But Assistant Chief Mahaffey, who is white, was never disciplined for his conduct during the demonstrations or his insubordination. Neither were Kibbee or Grossman. Kibbee, who is white, has since been promoted to Assistant Chief. And Grenon, who is also white, received accolades for work he performed and was later promoted to Mr. Hirjak's former position of Assistant Chief—despite being the Captain on scene during the June 1 incident.

The SPD's unpreparedness for the 2020 demonstrations was due in part to the failure of another white Assistant Chief, Deanna Nollette, to gather or understand relevant intelligence. But like Assistant Chief Mahaffey, Assistant Chief Nollette did not suffer any adverse actions for the role she played in the events that have garnered so much attention for the SPD. As for Lt. Brooks, who was the subject of 14 separate complaints in 2020, we understand he recently received a de facto promotion with increased pay.

These are but a few examples of how Mr. Diaz and the City have treated white officers differently from Mr. Hirjak. The point here is not that other officers should have been punished; it is that Mr. Hirjak was the subject of disparate treatment when Mr. Diaz demoted him over the actions of Lt. Brooks and the broader failures of the SPD in response to the 2020 demonstrations—failures outside the control of Mr. Hirjak.

The disparate treatment of Mr. Hirjak is part of a larger pattern and practice of discrimination toward SPD personnel who are of Asian American and Pacific Islander descent. It is likely why those officers, in response to internal surveys conducted by both the City and the

SPD, have said the SPD does not treat them fairly. We believe many are willing to step forward and corroborate Mr. Hirjak's claims with their own accounts of discrimination.

After Mr. Hirjak filed his EEO complaint, Mr. Diaz and the City retaliated against him in several ways. For example, Mr. Diaz disparaged Mr. Hirjak in calls with community leaders. And Mr. Diaz left Mr. Hirjak unassigned for nearly two months even though the SPD vowed not to do this with Captains in response to a complaint from the Seattle Police Management Association. This further harmed his reputation.

During the interview for his EEO complaint, Mr. Hirjak complained about his unassigned status. Shortly thereafter, he was placed with the Special Victims Unit, a position that lacks visibility or significant contact with outside agencies and only serves to perpetuate the damage associated with his demotion. Notably, the more prominent position of Captain with the Force Review Unit remains open and Mr. Hirjak, who helped create the unit, is the most qualified person for the job.

## LEGAL CLAIMS

The City of Seattle and Mr. Diaz are liable to Mr. Hirjak for discrimination and retaliation under three separate laws: the WLAD, Title VII, and Section 1981. Because there is substantial overlap among these legal claims, we will focus primarily on the WLAD claim.

### **Disparate treatment.**

Employers are prohibited from discriminating against employees based on race. RCW 49.60.180(3); 42 U.S.C. § 2000e-2(a)(1); 42 U.S.C. § 1981(a). To proceed with a discrimination claim, an employee must show (1) that he faced an adverse employment action and (2) that his race was a substantial factor behind that adverse action. *See* Washington Pattern Jury Instruction (WPI) 330.01. Discrimination need not be the only factor—or even the main factor—motivating an employer's decision. *Scrivener v. Clark College*, 181 Wn.2d 439, 444, 334 P.3d 541, 545 (2014); WPI 330.01.01.

Where the evidence presented is circumstantial in nature, which is common in discrimination cases,<sup>1</sup> Washington courts use the burden-shifting analysis articulated in *McDonnell Douglas*, 411 U.S. 792 (1973). *See Scrivener*, 181 Wn.2d at 445-46. "Under the first prong of the *McDonnell Douglas* framework, [the employee] bears the initial burden of establishing a prima facie case of discrimination, which creates a presumption of discrimination." *Id.* at 446. "Once the [employee] establishes a prima facie case, the burden of production shifts to the employer to articulate a legitimate, nondiscriminatory reason for the

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<sup>1</sup> "Circumstantial evidence is not only sufficient, but may also be more certain, satisfying and persuasive than direct evidence." *Desert Palace, Inc. v. Costa*, 539 U.S. 90, 100 (2003) (citation omitted).

adverse employment action.” *Id.* If the employer meets this burden, the employee may proceed to trial by presenting evidence creating a genuine issue of material fact as to whether the stated reason was pretext or whether “discrimination nevertheless was a substantial factor” in the demotion. *Id.* at 441-42.

Mr. Hirjak can establish a prima facie case of race discrimination. He is Asian American and thus belongs to a protected class. He performed well in his role as Assistant Chief. He was demoted from that position, which is an adverse employment action. And he was treated differently than similarly situated white employees who were not demoted. *See Cornwell v. Electra Cent. Credit Union*, 439 F.3d 1018, 1031 (9th Cir. 2006). The burden is therefore on the City and Mr. Diaz to provide a legitimate, nondiscriminatory basis for the demotion.

When he demoted Mr. Hirjak, Mr. Diaz said he was doing so “based on concerns and observations regarding planning, logistics, communications, decision-making, and staffing analysis that . . . laid the groundwork for the escalation of tensions” from May 29 to June 1, 2020. There is no merit to this assertion. On May 30, 2020, for example, Mr. Hirjak dispatched two bike squads to Hing Hay Park to deal with a gathering crowd of demonstrators, but Mr. Diaz chose to divert those officers to another location without informing Mr. Hirjak. Chief Best later criticized Mr. Hirjak for that decision and while Mr. Diaz was present for the chiding, he chose to remain silent rather than own up to his role.

There are other examples of Mr. Hirjak being circumvented, rebuffed, or ignored. But even if we set those aside, no basis exists for pinning the City’s failures over four days on one person. Moreover, despite the difficult circumstances, Mr. Hirjak was performing his job well. In fact, before Chief Best removed Mr. Hirjak from the position of Incident Commander, Mayor Durkan praised him for his restraint in dealing with demonstrators and managing crowds on May 31 with no significant incidents.

In demoting Mr. Hirjak, Mr. Diaz also said that he “must have confidence that each and every member of this department’s sworn Command Staff, regardless of bureau assignment, [is] able to step into an incident command position as circumstances may require.” But at least two white members of the Command Staff have never served in an incident command position and thus have not demonstrated an ability to do so.

OPA concluded that Mr. Hirjak was not responsible for the actions of Lt. Brooks on June 1, 2020. And the “tensions” associated with the 2020 protests did not subside with Mr. Hirjak’s removal as Incident Commander. Discord and strife grew for months under the watch of white Command Staff, like Assistant Chief Mahaffey. But when the dust settled, only Mr. Hirjak found himself demoted. A reasonable jury could find race played a significant factor in that decision. *See Scrivener*, 181 Wn.2d at 441-42; *Cornwell*, 439 F.3d at 1032.

### **Retaliation.**

“It is an unfair practice for any employer . . . to discharge, expel, or otherwise [retaliate] against any person because he or she has opposed” discrimination. RCW 49.60.210(1); *see also* 42 U.S.C. § 2000e-3(a); *CBOCS West, Inc. v. Humphries*, 553 U.S. 442, 457 (2008) (Section 1981 protects against both racial discrimination and retaliation based on complaints of discrimination). To establish a claim of retaliation, the employee must show (1) that he was opposing what the employee reasonably believed to be a violation of the law, (2) that the employer took some adverse employment action against the employee, and (3) that retaliation was a substantial factor behind the adverse action. *Kahn v. Salerno*, 90 Wn. App. 110, 128-29, 951 P.2d 321 (1998).

Mr. Hirjak can establish each of these elements. First, Mr. Hirjak filed an EEO claim with the SPD in which he alleged discrimination, and this is protected activity even if the City and Mr. Diaz are subsequently found to have not engaged in discrimination. *See Lodis v. Corbis Holdings, Inc.*, 172 Wn. App. 835, 852, 292 P.3d 779 (2013). Second, the City and Mr. Diaz took adverse actions against Mr. Hirjak by disparaging him, leaving him unassigned, and placing him in an undesirable position even though he is the most qualified person for a separate position that is open. And third, “a reasonable jury could find that retaliation was a substantial factor in the adverse employment decision.” *Cornwell v. Microsoft Corp.*, 192 Wn.2d 403, 412-13, 430 P.3d 229 (2018). Indeed, “if the employee establishes that he or she participated in an opposition activity, the employer knew of the opposition activity, and he or she was [subjected to an adverse action], then a rebuttable presumption is created in favor of the employee that precludes [the court] from dismissing the employee’s case.” *Kahn*, 90 Wn. App. at 131.

## **THE CITY’S FINANCIAL EXPOSURE**

### **Economic damages.**

If Mr. Hirjak proves discrimination or retaliation, the City and Mr. Diaz will be liable to him for actual damages, including lost backpay, lost front pay, and lost future employment opportunities. *See* RCW 49.60.030(2); *Albemarle Paper Co. v. Moody*, 422 U.S. 405, 417-18 (1975) (courts must exercise their power to award back pay consistent with objective of eradicating discrimination); *Chiang v. Gonzales*, No. CV 05-03273 MMM (Ex), 2005 WL 8168158 (C.D. Cal. Dec. 7, 2005) (holding “employment action that leads to the loss of future employment opportunities . . . will support a Title VII claim” and citing cases).

SPD’s wrongful conduct has immediate and long-lasting economic ramifications for Mr. Hirjak. With the demotion, Mr. Hirjak’s annual salary has been reduced by \$37,585, from \$241,363 per year as Assistant Chief to \$203,778 as Captain. This works out to an immediate loss per month of \$3,132. Assuming he remains a Captain with SPD until March 1, 2025 and

receives an annual three-percent raise, Mr. Hirjak stands to lose a total of **\$148,632** in salary compensation because of the demotion.

This reduction in annual salary will substantially affect Mr. Hirjak's pension benefits. If Mr. Hirjak had remained an Assistant Chief until March 1, 2025, his starting annual pension would have been \$155,040. Because of his demotion, Mr. Hirjak will retire on the same date with a starting annual pension of \$139,716. That is a difference of \$15,324. Based on mortality tables that the Washington State Office of the Insurance Commissioner publishes, Mr. Hirjak is expected to live until 2049 and his wife is expected to live until 2061. Assuming he elects the benefit option of Joint and 100% Survivorship and receives an annual COLA of 2.45%, we calculate Mr. Hirjak will lose a total of **\$745,796** in pension benefits because of his demotion.

The demotion and subsequent retaliation have also impacted Mr. Hirjak's prospects for work after retirement. As Assistant Chief, Mr. Hirjak was regularly approached about job opportunities throughout the United States. His goal was to take a position as the chief of a municipal police department in California, and he reasonably estimates the annual salary for such a job would have been \$250,000 or more. Mr. Hirjak intended to stay in such a position for five years. With the reputational injury he has suffered, Mr. Hirjak estimates that any post-retirement work he obtains will likely pay \$100,000 per year at best. Assuming an annual raise of 2.45%, we calculate the post-retirement damage to Mr. Hirjak's reputation will total **\$787,661** over those five years.

In short, we believe a jury will find that Mr. Hirjak's economic damages total more than **\$1.68 million**.

#### **Non-economic damages.**

If Mr. Hirjak proves his claims for discrimination or retaliation, the City and Mr. Diaz will also be liable for emotional distress damages. *See* RCW 49.60.030(2); *Blaney v. Int'l Ass'n of Machinists & Aerospace Workers*, 114 Wn. App. 80, 97, 55 P.3d 1208 (2002) (citing *Ellingson v. Spokane Mortgage Co.*, 19 Wn. App. 48, 56-57, 573 P.2d 389 (1979)). It is unnecessary for an employee to provide medical or objective evidence in support of such damages; rather, testimony from the employee and others regarding the emotional impact to the employee of the discrimination or retaliation is sufficient. *See Herring v. Dep't of Soc. & Health Servs.*, 81 Wn. App. 1, 23-24, 914 P.2d 67 (1996); *see also Kingston v. Int'l Bus. Machs. Corp.*, No. C19-1488 MJP, 2021 WL 2662216, at \*5 (W.D. Wash. June 29, 2021) (holding testimony of plaintiff and his spouse was sufficient to support jury's award of \$6 million in emotional damages).

Mr. Hirjak has a strong constitution, but the consequences of the discrimination and retaliation against him have been devastating. He holds a public position and has suffered great shame and embarrassment because of the demotion and subsequent lack of assignment. He



has fielded countless calls in which these subjects have been raised and while many on the other end have been supportive, he finds it draining to have to repeatedly relive the situation and explain or even defend himself.

Mr. Hirjak is angry and distracted, and these emotions are negatively impacting all aspects of his life. He is short-tempered with his wife and preoccupied with his children. He stewes at work and is terse with coworkers. He has trouble staying in the moment. The economic impacts of the demotion have caused friction at home, and Mr. Hirjak worries about the future. He finds it difficult to enjoy life.

There has also been a significant physical toll on Mr. Hirjak. He suffers insomnia and battles appetite loss. He experiences long stretches of stress and anxiety.

We have surveyed verdicts over the past decade and found Washington juries regularly award substantial non-economic damages to employees who have been subjected to discrimination or retaliation. *See, e.g., Brown v. King County*, 2:16CV01340, 2021 WL 2893918 (W.D. Wash. June 23, 2021) (awarding \$671,300 in non-economic damages to employee who experienced race discrimination)); *Kingston*, 2021 WL 1832099 (W.D. Wash. Apr. 15, 2021) (awarding \$6 million in non-economic damages to employee fired in retaliation for opposing race discrimination); *Erickson v. Biogen, Inc.*, 417 F. Supp. 3d 1369 (W.D. Wash. Nov. 6, 2019) (awarding \$1.69 million in non-economic damages to employee retaliated against for reporting disability discrimination and False Claim Act violations); *Elias v. City of Seattle*, 14-2-31735-2, 2016 WL 4547452 (King Cnty. Super. Ct. July 25, 2016) (awarding \$1.5 million and \$750,000 in non-economic damages to officers who were “demoted in pay, status and/or police force reputation” after reporting discrimination or standing up against discrimination.); *Hernandez v. City of Vancouver*, 2:04CV05539, 2014 WL 3845748 (W.D. Wash. Apr. 29, 2014) (awarding \$1 million in non-economic damages to employee who experienced race discrimination).

We estimate that after hearing from Mr. Hirjak and friends and family regarding the emotional toll of the discrimination and retaliation he has faced, a jury will likely award Mr. Hirjak **\$2.0 million** or more in non-economic damages.

### **Punitive damages.**

The WLAD does not allow for punitive damages, but Title VII and Section 1981 do. *See Kolstad v. Am. Dental Assoc.*, 527 U.S. 526, 535 (1999). And while Title VII places a cap on punitive damages, there is no such cap under Section 1981. *See* 42 U.S.C. § 1981a(b)(3)(D); *Pavon v. Swift Transp. Co.*, 192 F.3d 902, 910 (9th Cir. 1999) (“To the extent that plaintiff’s damages exceed [Title VII’s cap], the excess can be attributed to claims other than those brought under Title VII,” including Section 1981 claims.).

Discrimination based on race “is especially reprehensible” and “a serious affront to personal liberty.” *Flores v. City of Westminster*, 873 F.3d 739, 760 (9th Cir. 2017) (quoting *Zhang v. Am. Gem Seafoods, Inc.*, 339 F.3d 1020, 1033 (9th Cir. 2003)). Accordingly, “a more substantial punitive damages award may be justified in intentional discrimination cases than in cases involving ‘purely economic’ harms.” *Id.*

While it appears that punitive damages are not available against a municipality, they are available against supervisors who engage in discriminatory conduct. *See id.* at 759-63. In *Flores*, for example, three police officers sued the City of Westminster and several of its current and former police chiefs for engaging in race discrimination. *Id.* at 745. A jury ruled in favor of the plaintiffs and awarded punitive damages to each in amounts ranging from \$22,000 to \$459,000 per officer per chief. *Id.* at 763. One chief was ordered to pay a total of \$1,064,000 in punitive damages, and another was ordered to pay a total of \$880,000. *Id.*

To obtain punitive damages, Mr. Hirjak will only have to show that Mr. Diaz’s conduct was malicious, oppressive, or in reckless disregard of Mr. Hirjak’s rights. *Id.* at 759. Under the facts outlined above, we are confident he can meet this standard, and we estimate a jury will likely award **\$400,000** in punitive damages.

#### **Other monetary relief.**

An employee who successfully proves discrimination or retaliation is entitled to attorneys’ fees, costs, and prejudgment interest and may also receive compensation to offset adverse tax consequences associated with a backpay award. *See* RCW 49.60.030(2). If Mr. Hirjak is required to litigate his claims to trial, this additional monetary relief could be substantial. In the *Kingston* case cited above, for example, the court ordered the employer to pay more than \$1.5 million in attorneys’ fees, more than \$40,000 in costs, nearly \$200,000 in prejudgment interest, and nearly \$1.12 million to offset adverse tax consequences. 2021 WL 2662219, at \*4-6 (W.D. Wash. June 29, 2021).

We estimate that if Mr. Hirjak is required to prosecute his claims to verdict, the court will award at least **\$1.4 million** in other monetary relief.

In sum, the City and Mr. Diaz face a combined total of more than **\$5.48 million** in financial exposure for discriminating and retaliating against Mr. Hirjak.

Mike Fields  
Adrian Diaz  
Seattle Police Department  
July 29, 2021  
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### **MEDIATION PROPOSAL**

Mr. Hirjak is prepared to vigorously pursue his claims against the City and Mr. Diaz, but he would prefer a resolution that does not require litigation. Accordingly, we are writing to see whether the City and Mr. Diaz are willing to participate in mediation with one of the following: Paris Kallas, Cliff Freed, Teresa Wakeen, or Mike Reiss. Please respond no later than August 11, 2021.

Very truly yours,

TERRELL MARSHALL LAW GROUP PLLC



Toby J. Marshall

TJM  
Enclosure