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Attorneys for city, fired police major discuss settlement

By Rob Modic

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DAYTON — Attorneys were trying to carve out a settlement Wednesday for former Dayton Police Maj. Barbara Temple after a jury found she was a victim of racial discrimination when she was fired in 2002.

Judge G. Jack Davis of the Montgomery County Common Pleas Court sent the eight jurors home Wednesday morning. They had been scheduled to begin a second trial in the case, on damages for Temple.

Davis told attorneys that the jurors, six women and two men, would be notified Thursday morning whether the case had been settled or they were still needed.

That provided time for city officials to present any settlement reached to the Dayton City Commission, which meets Wednesday evening.

On Friday, the jury found that former Dayton Police Chief William McManus and former interim City Manager John Thomas were individually liable, along with the city of Dayton.

Six votes were required of the eight jurors in each decision handed down. The same six jurors signed all six of the verdict forms on Friday, and a seventh signed only one of the forms, a verdict against McManus.

Temple's attorney, Dwight Brannon, contended Temple, who had 27 years with the force, lost her job for racial reasons. He said McManus was emptying his command staff of a white officer to make room for the three black males he named to the six-person command team.

Attorney Edward Dowd — representing the city, McManus and Thomas — contended McManus had justifiable reasons for removing Temple. He offered her an opportunity to retire or face termination. Dowd said city attorneys had told McManus that Temple could not be returned to a lower rank.

Temple was fired June 30, 2002, six months after McManus took office. McManus left Dayton in February 2004 to take a chief's job in Minneapolis. He left Minneapolis this year to become chief in San Antonio.

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