

# REPORTER FIRED AFTER REGISTER-GUARD LAWSUIT

**A**lthough a written decision in the civil suit filed by former *Register-Guard* entertainment writer and reporter Serena Markstrom Nugent has yet to be filed almost three weeks after the case was dismissed, issues from the case continue to arise.

In the wake of the trial, Markstrom Nugent's fellow entertainment writer and the paper's Eugene Newspaper Guild union co-president Randi Bjornstad has also been fired.

After Judge Josephine Mooney of the Lane County Circuit Court dismissed the case with prejudice, the *R-G* placed Bjornstad and Joe Clark and Horst Lueck, both in information systems, on paid administrative leave. Bjornstad was then fired Sept. 14 for "dishonesty, insubordination and destroying company property," according to Bob Keefer's Eugene Art Talk blog, which broke the story. Keefer is a former *R-G* arts reporter as well.

Bjornstad, a 28-year veteran of the daily paper, tells *EW* that there are "multiple avenues for approaching this breach of federal law and Guild contract." And she says, "Those are still being looked at."

Though Bjornstad advised Markstrom Nugent in her capacity as her union representative, Bjornstad was unable to mention that during her testimony in which she was a lead witness for the plaintiff during the late August trial, which lasted about six days. Keefer was also a witness.

Bjornstad says in her years as a writer for the *R-G* she never had a reprimand or any other disciplinary action against her until Markstrom Nugent's case. Bjornstad's first reprimand occurred in Jan. 2014, right after the Guild filed a grievance, she says. The timing of her firing after the trial speaks to retaliation, Bjornstad says.

Markstrom Nugent was fired in 2014 for similar reasons as cited in Bjornstad's case: being "dishonest, insubordinate and having destroyed company property" after checking her email and deleting some messages while on pregnancy-related disability leave.

Markstrom Nugent's original court documents argue that while Markstrom might have made errors when the reporter switched from arts to a news beat she was not trained for, the paper "precipitously re-characterized any of Ms. Markstrom's mistakes in the months before her pregnancy as serious performance deficiencies."

Mooney dismissed Markstrom Nugent's case on Aug. 31 for spoliation, otherwise known as destruction of evidence, over the allegedly deleted emails and text messages. The spoliation issue had been addressed previously by Judge Charles Carlson who ruled that the "sanction of dismissal is not warranted" and let the case go to trial.

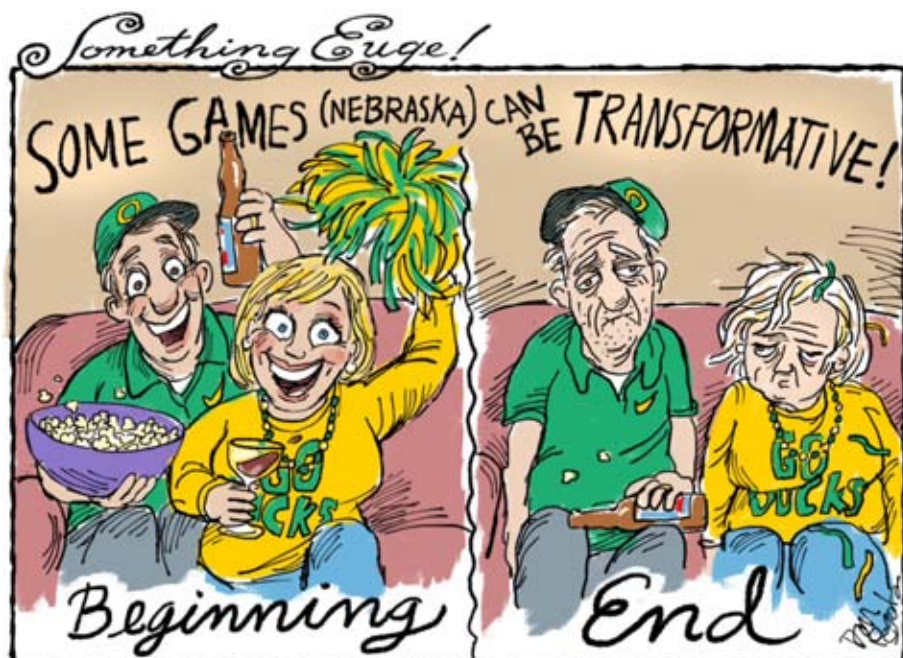
While a jury in Mooney's courtroom heard arguments about the case for several days, Mooney dismissed the lawsuit on spoliation before a jury decision was made.

In his response to the motion for sanctions, Markstrom Nugent's attorney Chris Lundberg writes the *R-G*'s motion was "an overblown attempt to prevent this case from being heard on the merits."

Lundberg writes that Markstrom retained two versions of all emails deleted from her *R-G* account and therefor no spoliation occurred, and he argues in court documents that Markstrom Nugent's editor Ilene Aleshire deleted an unknown number of emails in regard to Markstrom Nugent from the *R-G*'s system and destroyed handwritten notes about her initial meetings with the reporter to discuss her "purported 'performance deficiencies.'"

Markstrom Nugent's attorneys have said they will appeal the decision to a higher court. ■

*EW* Editor Camilla Mortensen is a friend of Markstrom Nugent and Keefer. Markstrom Nugent consulted with but did not hire Jennifer Middleton who is an attorney with *EW* owner Art Johnson's law firm.



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