

HONORABLE JOHN C. COUGHENOUR

CC: TO JUDGE MR  
FILED ENTERED  
LODGED RECEIVED  
OCT 25 2001 MR

UNITED STATES DISTRICT COURT

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

WESTERN DISTRICT OF WASHINGTON AT SEATTLE

EQUAL EMPLOYMENT OPPORTUNITY )

COMMISSION, )

Plaintiff, )

vs. )

AMERICAN SEAFOODS CO., )

Defendant )

CONNIE L. MARTIN )

Plaintiff in Intervention )

Case No.: C00-1596C

PLAINTIFFS' MOTION FOR JUROR  
QUESTIONNAIRE

CV 00-01596 #00000047

Plaintiffs EEOC and Connie Martin request that the attached juror questionnaire be submitted to prospective jurors in this case in advance of open jury voir dire.<sup>1</sup> The use of such questionnaires as part of the jury selection process is within the discretion of this Court as provided by Local Civil Rule 47 and particularly appropriate in this case.

This lawsuit arises out of alleged pregnancy based discrimination and retaliation. The case involves a variety of issues including the issue of abortion. A randomly selected panel will

ORIGINAL

<sup>1</sup> The proposed jury questionnaire will be submitted on computer disk along with proposed jury instructions and proposed special verdict form.

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1 almost certainly include prospective jurors who have strong personal, moral, religious or political  
2 views regarding abortion. Such jurors should be identified in order to evaluate whether their  
3 beliefs or experiences will interfere with their ability to sit as jurors on this case. Additionally,  
4 prospective jurors no doubt will be more willing to share personal information and views through  
5 the relative anonymity of a written questionnaire as compared to open voir dire. By proceeding  
6 with this questionnaire, prospective jurors will not be subject to stigmatization or an  
7 unwarranted invasion of privacy. Finally, a juror questionnaire will help identify the varying  
8 employment and workplace experiences of prospective jurors.

10 The use of a confidential Juror Questionnaire protects the privacy of potential jurors and,  
11 at the same time, meets the needs of the attorneys for the parties. Additionally, this  
12 questionnaire will save time. Follow-up questions, based on responses to the questionnaire, can  
13 be pursued in an efficient manner to complete the voir dire process.

14 For the above reasons, Plaintiffs request that this motion be granted.<sup>2</sup>

15 Respectfully submitted this 24 day of October, 2001.

16 Nevin, Herzfeld, Benjamin & McKay, LLP  
17 Scott McKay

18 Law Office of Reba Weiss

19 By: REBA WEISS

20 SCOTT MCKAY

21 Attorneys for Plaintiff in Intervention  
22 Connie Martin

A. Luis Lucero, Jr.  
Regional Attorney  
Kathryn Olson  
Supervisory Trial Attorney

23 By: CARMEN FLORES  
24 Trial Attorney

EQUAL EMPLOYMENT  
25 OPPORTUNITY COMMISSION

<sup>2</sup> Plaintiffs presented the attached questionnaire to defendant for its review nearly two weeks ago. (See attached letter dated October 4, 2001. To date, defendant has refused to indicate its position on this questionnaire. Plaintiffs are submitting this questionnaire to the Court by this motion to avoid further delay.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24 day of October, 2001, I caused a true and correct copy of the foregoing document to be:

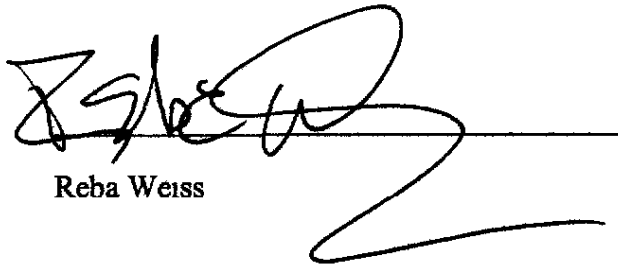
☐ mailed

☐ faxed

☐ hand delivered

☒ legal messenger

to: Jay H. Zulauf, John Chun, Mundt, MacGregor, 999 3<sup>rd</sup> Avenue, Suite 4200, Seattle, WA 98104-4082.



Reba Weiss

NEVIN, HERZFELD, BENJAMIN & MCKAY LLP

October 4, 2001

VIA FACSIMILE AND U.S. MAIL

Mr. John Chun  
Mr. Jay Zulauf  
Mundt MacGregor LLP  
999 Third Avenue, Suite 4200  
Seattle, WA 98104-4082

Re: *Connie L. Martin and EEOC v. American Seafoods Co.*; Case No. C00-1596C

Dear John and Jay:

We believe it would be appropriate to use a jury questionnaire in this case. Enclosed is a proposed questionnaire. Please advise whether you will stipulate to using this. Alternatively, although we have endeavored to craft a neutral questionnaire, we welcome your comments. In the absence of agreeing on the form of a questionnaire or in hearing from you on this matter, we will submit our questionnaire to the Court for its consideration.

Sincerely,



Scott McKay

SM/dp

Enclosure

c: Reba Weiss (via fax)

Carmen Flores, EEOC (via fax)

Connie Martin

**JUROR QUESTIONNAIRE**

Please complete the following questionnaire in order to assist the court in the selection of a jury. Your answers will be reviewed by the judge and the attorneys who are trying this case. As you answer the questions, please keep in mind that there are no "right" or "wrong" answers. Just read each question carefully and give an honest answer. You must not discuss your answers with any of the other jurors. Please answer all of the questions as completely as possible. **Remember you are under oath.**

1. Name \_\_\_\_\_
2. Age \_\_\_\_\_
3. City \_\_\_\_\_ How many years in this area? \_\_\_\_\_
4. What suburb or neighborhood do you live in and how long have you lived there?  
\_\_\_\_\_
5. Are you currently (please check all that apply):
 

<input type="checkbox"/> employed full-time	<input type="checkbox"/> retired
<input type="checkbox"/> employed part-time	<input type="checkbox"/> homemaker
<input type="checkbox"/> employed at more than one job	<input type="checkbox"/> disabled
<input type="checkbox"/> temporarily laid off	<input type="checkbox"/> student
<input type="checkbox"/> unemployed	
6. What is your occupation and job title? \_\_\_\_\_  
 Who is your employer and what does your employer do or make?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 How long have you worked for this employer(s)? \_\_\_\_\_  
 What do you do at your job? \_\_\_\_\_  
 \_\_\_\_\_
7. Are you considered management or are you a part of your employer's management team?  
 \_\_\_\_\_ Yes \_\_\_\_\_ No
8. **If you are retired or unemployed**, what type of work did you last do, who was your employer, and when did you work there?  
 \_\_\_\_\_  
 \_\_\_\_\_

- 9 Whether or not you are currently employed, please complete the following information for previous jobs and employers:

Years	Job Title or Kind of Work	Employer
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

10. Do (did) you ever supervise anyone at your job? \_\_\_\_\_ Yes \_\_\_\_\_ No

IF YES, how many people did you supervise? \_\_\_\_\_

Do (did) you have any responsibility for:

Hiring	_____ Yes	_____ No
Firing	_____ Yes	_____ No
Evaluations	_____ Yes	_____ No
Promotions	_____ Yes	_____ No

11. What is the last level of education that you completed?

_____ Less than high school	_____ Some College
_____ High school grad	_____ College graduate
_____ Business/technical school	_____ Post-graduate work or degree

If more than high school, please fill in below:

School	Degree	Major area of study	Dates
_____	_____	_____	_____
_____	_____	_____	_____

12. Are you currently (check one):

\_\_\_\_\_ Single (never married)  
 \_\_\_\_\_ Married for \_\_\_\_\_ years  
 \_\_\_\_\_ Separated/divorced for \_\_\_\_\_ years  
 \_\_\_\_\_ Widowed for \_\_\_\_\_ years  
 \_\_\_\_\_ Unmarried, living with a partner

- 13 IF YOU HAVE EVER BEEN MARRIED OR LIVED WITH A PARTNER  
please list the following about your spouse or partner:

Job Title	Employer	Job Duties	How long at job
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What is (or was) your spouse or partner's educational background?

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14. Do you have any children or stepchildren? \_\_\_\_\_ Yes No \_\_\_\_\_

IF YES, please list the following:

Age	Sex	Education	Occupation	Employer or school attending
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- 15 If there are other adults in your household **other than** your spouse or children,  
please explain the following.

Job Title	Employer	Job Duties	Relationship to you
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16. Please list any clubs or organizations to which you belong, or in which you  
participate: such as veterans groups, service clubs, professional organizations,  
volunteer groups, educational or political groups.  
**Also describe your involvement, including any leadership positions held.**


- 17 Have you or anyone in your family or any close friends ever worked or had any training in any of the following:

	YES	NO
* Personnel, Human Resources/Relations, Labor Relations	_____	_____
* Arbitration or mediation of employment Grievances or disputes	_____	_____
* A government office or agency	_____	_____
* The court system	_____	_____
* A lawyer, law office, legal department of a company	_____	_____

IF YES to any of the above, please explain:

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- 18 Have you or anyone in your family ever been self employed, owned or managed a business or owned an interest in a business?

\_\_\_\_ Yes No \_\_\_\_

IF YES, is this: \_\_\_\_\_ yourself \_\_\_\_\_ relative

Please explain when and describe the business: \_\_\_\_\_

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If the business is not still operating, please explain why:

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Was this experience positive \_\_\_\_\_, negative \_\_\_\_\_, or mixed \_\_\_\_\_?

19. Have you or anyone in your family ever been a member of a labor union?

\_\_\_\_ Yes No \_\_\_\_

20. Have you or anyone in your family or any of your employers ever sued anyone, been sued by anyone, or been involved in any way in any court proceedings or lawsuit?

\_\_\_\_ Yes No \_\_\_\_

IF YES, is this. \_\_\_\_\_ yourself \_\_\_\_\_ family \_\_\_\_\_ friends \_\_\_\_\_ employer



Please explain what happened and whether you [or your friend, relative or employer] were satisfied with the outcome

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21. Have you or anyone close to you ever been fired, asked to resign, had an employment contract not renewed, or been laid off from a job?

-- Yes No--

IF YES, is this: \_\_\_\_\_ yourself \_\_\_\_\_ family \_\_\_\_\_ friend

Please explain \_\_\_\_\_

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22. Have you or anyone close to you ever been suspended, involuntarily transferred or otherwise disciplined on the job?

IF YES, is this: \_\_\_\_\_ yourself \_\_\_\_\_ family \_\_\_\_\_ friend

Please explain: \_\_\_\_\_

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23. Have you or anyone close to you ever felt that a supervisor unfairly evaluated your work performance?

-- Yes No--

IF YES, please explain: \_\_\_\_\_

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24. Have you ever been in a situation where you felt that a co-employee was being treated unfairly in a job for any reason?

-- Yes No--

IF YES, please explain: \_\_\_\_\_

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25. At your current or most recent job, are there rules, policies or training concerning sex discrimination, including pregnancy discrimination? ☐ Yes ☐ No

**IF YES**, list the employer and describe the rules, policies and/or training

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How effective do you think those rules, policies and/or training was?

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26. Have you or anyone you have known ever been harassed, insulted, ridiculed, discriminated against, or treated unfairly on the job because of sex, pregnancy, race, national origin, age, religion, or disability? ☐ Yes ☐ No

**IF YES**, is this: ☐ yourself ☐ family ☐ friends

Please explain: 

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27. Have you ever known anyone who was **ever a victim of** sexual discrimination including pregnancy discrimination or who was **accused of** sexual discrimination including pregnancy discrimination? ☐ Yes ☐ No

**IF YES**, is this: ☐ yourself ☐ family ☐ friend

Please explain: 

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28. Do you believe a pregnant woman should be permitted by her employer to work while pregnant?

Yes \_\_\_\_\_ No \_\_\_\_\_

**If NO**, please explain.

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- 29 Have you ever been employed by a company that was **accused** of discrimination?

\_\_\_\_\_ Yes No \_\_\_\_\_

**IF YES**, please explain: \_\_\_\_\_

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- 30 Have you ever known of a situation where you thought that someone **wrongly or unfairly** claimed that she or he was a victim of sexual discrimination or pregnancy discrimination?

\_\_\_\_\_ Yes No \_\_\_\_\_

**IF YES**, please explain. \_\_\_\_\_

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31. Have you or anyone close to you ever been in a situation where you could have sued but chose not to?

\_\_\_\_\_ Yes No \_\_\_\_\_

**IF YES**, please briefly describe the circumstances and explain why you decided not to sue:

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32. Should an employer be responsible for unlawful acts, such as sexual discrimination, pregnancy discrimination and retaliating against employees who report discrimination?

\_\_\_\_\_ Yes No \_\_\_\_\_

IF NO, please explain \_\_\_\_\_

\_\_\_\_\_

33. Should an employer be required to pay a current or former employee money damages to compensate the employee for damages she sustained including emotional distress damages as a result of the employer's sexual discrimination, pregnancy discrimination, or retaliation against the employee for reporting discrimination?

\_\_\_\_\_ Yes No \_\_\_\_\_

IF NO, please explain \_\_\_\_\_

\_\_\_\_\_

34. Have you ever been on jury duty before? \_\_\_\_\_ Yes No \_\_\_\_\_

IF YES, please list the following:

Year	Court	What was the case about?	Did the Jury Reach A Verdict?
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

35. Have you or anyone close to you have any **training, work experience, or volunteer experience** in the mental health field, including psychological, psychiatric, crisis intervention, counseling, social work, or any of the other therapeutic health professions?

\_\_\_\_\_ Yes No \_\_\_\_\_

36. Have you or anyone close to you ever consulted a psychologist, therapist, family or marriage counselor or other mental health professional?

\_\_\_\_\_ Yes No \_\_\_\_\_

**IF YES**, state each person's relationship to you, what type of counselor they consulted, the problem, and how satisfactory the experience was:

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37. This case involves claims by Connie Martin that American Seafood Company discriminated against her due to her pregnancy and retaliated against her for reporting this discrimination. American Seafood Company denies any wrongdoing. Are you at all familiar with this case?

\_\_\_\_\_ Yes No\_\_\_\_\_

**IF YES**, state what you have read or heard about the case: \_\_\_\_\_

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Do you know anyone who has direct knowledge of this case or situation?

\_\_\_\_\_ Yes No\_\_\_\_\_

38. There will be evidence in this case that Plaintiff Connie Martin had an abortion. Do you belong to any club, organization, church or other group that advocates against abortion?

\_\_\_\_\_ Yes No\_\_\_\_\_

**IF YES**, please explain: \_\_\_\_\_

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39. Do you believe that abortion is a sin or inherently evil or wrong?

\_\_\_\_\_ Yes No\_\_\_\_\_

40. Do you hold any philosophical, religious, political or other belief regarding abortion which would make it difficult for you to be fair and impartial in this case?

\_\_\_\_\_ Yes No\_\_\_\_\_

41. Have you ever had an abortion or been closely involved with someone who has had an abortion? Also, please indicate whether this is a matter you would prefer to discuss outside the presence of other jurors

\_\_\_\_\_ Yes No \_\_\_\_\_

I prefer to discuss this question in private \_\_\_\_\_

42. If your answer to the above question is "yes", will that experience unduly influence you or make it difficult for you to be fair and impartial in this case?

\_\_\_\_\_ Yes \_\_\_\_\_ No

43. Do you have any philosophical or religious beliefs which would make it difficult for you to sit as a juror in this case?

\_\_\_\_\_ Yes No \_\_\_\_\_

IF YES, please explain: \_\_\_\_\_

\_\_\_\_\_

44. Is there anything else this court should know regarding your possible service as a juror in this case?

\_\_\_\_\_ Yes No \_\_\_\_\_

IF YES, please describe: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

45. Please carefully read the attached list of witnesses who will testify in this case and if you or anyone close to you has had any contact with that person, please write their name and describe the relationship and nature of the contact below.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I swear that the answers I have given are true and correct to the best of my knowledge.

\_\_\_\_\_  
JUROR SIGNATURE

\_\_\_\_\_  
DATE