Document 432

Filed 06/20/2003

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FILED

VERDICT FORM

SHERI CALVO



A. SEXUAL HARASSMENT

8.99-CV-1371-T-17MA

1. As to Rob Evans' conduct occurring prior to becoming an Assistant Manager on October 7, 1996, under the Court's instructions to you, do you find that Sheri Calvo has proven, by a preponderance of the evidence, that:

She was subjected to unwelcome harassment on the basis of her sex that was sufficiently severe or pervasive to create a hostile or abusive working environment and that Defendants knew or should have known about the harassment and failed to take prompt remedial action?

Answer Yes X No

If your answer to Question 1 was "Yes," you have found in favor of Sheri Calvo with respect to her claim of sexual harassment occurring prior to October 7, 1996. If your answer to Question 1 was "No," you have found in favor of Defendants with respect to this claim.

Proceed to Question 2.

2. As to Rob Evans' conduct as an Assistant Manager occurring subsequent to January 23, 1997, under the court's instructions to you, do you find that Sheri Calvo has proven, by a preponderance of the evidence, that:

She was subjected to unwelcome harassment on the basis of her sex that was sufficiently severe or pervasive to create a hostile or abusive working environment

Answer Yes X No ____

If your answer to Question No. 2 was "Yes," proceed to Question No. 3. If your answer to Question No. 2 was "No," proceed to Question No. 4, as instructed therein.

3. Under the circumstances of this case and the court's instructions to you, as to harassment occurring subsequent to January 23, 1997, do you find that Defendants have proven, by the preponderance of the evidence,								
(a) sexually hara					ble car	e to p	revent and co	orrect any
	Answer	Yes			No	_X_		
(b) or corrective				-			ntage of any p arm otherwise	
	Answer	Yes			No	_X_		
found in far harassment Question 3(a this claim.	If your answer to Questions 3(a) and 3(b) were both "Yes," then you have found in favor of the Defendants with respect to Sheri Calvo's claim of sexual harassment occurring after January 23, 1997. If you responded "No" to either Question 3(a) or 3(b) then you have found in favor of Sheri Calvo with respect to this claim. Proceed to Question 4.							
В.		TION						
	<u>RETALIA</u>	<u> 11011</u>						
has proven, b	4. Und	er the co			•	, do yo	u find that Sh	eri Calvo
•	4. Und y the prepond	er the con lerance of reasonab	f the evi oly com	dence, th plained	at: to man	nagemei	u find that Sh nt in good fa arge in good fa	ith about
•	4. Und y the prepond (a) She ment by Rob	er the con lerance of reasonab	f the evi oly com reasona	dence, the plained bly filed	at: to man her EE	agemer	nt in good fa arge in good fa	ith about
sexual harassi	4. Und y the prepond (a) She ment by Rob Ans (b) That conditions of	er the conternate of reasonable Evans or wer to Defendate or privile	f the evi oly com reasona Yes	dence, the plained bly filed	at: to man her EF	nagemen OC cha No a serio	nt in good fa arge in good fa	ith about aith?

(c) That her complaints and/or charge of discrimination were a substantial motivating cause that made a difference in the Defendants' decision to do so?
Answer Yes No X
If <u>all</u> of your answers to Question Nos. 4(a) –(c) were "Yes," proceed to Question No. 5. If not, proceed to Question No. 6, as instructed therein.
5. Under the court's instructions to you, do you find that Defendants have proven, by the preponderance of the evidence, that Defendants would have imposed this/these change(s) in the terms, conditions, or privileges of Sheri Calvo's employment for other reasons, even in the absence of consideration of her complaints and/or charge?
Answer Yes No
If your answer to Question No. 5 is "Yes," then you have found in favor of the Defendants with respect to Sheri Calvo's claim of retaliation. If your answer to Question No. 5 was "No," then you have found in favor of Sheri Calvo with respect to this claim. Proceed to Question No. 6 only if you have found in favor of Sheri Calvo with respect to any of her claims of sexual harassment and/or retaliation. If you have not found in favor of Sheri Calvo with respect to any of her claims of sexual harassment or retaliation, proceed to the Questions for the next Claimant.
C. <u>DAMAGES</u>
6. Under the court's instructions to you, do you find that Sheri Calvo has proven, by the preponderance of the evidence, that she should be awarded damages to compensate for humiliation, emotional pain, suffering, mental anguish and inconvenience?
Answer Yes No No
If your answer to Question 6 is "Yes", then proceed to Question 7. If your answer to question 6 is "No", then proceed to Question 8.

7. What amount of damages should Sheri Calvo be awarded to compensate her for the humiliation, emotional pain, suffering, mental anguish and inconvenience caused by the Defendants?

\$ 10,000 - Ten-thousand dollars

8. Under the court's instructions to you, do you find that, with respect to any sexual harassment of Sheri Calvo by Robert Evans, actions of Defendants' officials, above the General Manager level, justify an award of punitive damages?

> Yes X No Answer

9. Under the court's instructions to you, do you find that, with respect to any retaliation against Sheri Calvo by the Defendants, actions of Defendants' officials, above the General Manager level, justify an award of punitive damages?

> No X Yes Answer

If your answer to Questions 8 and/or 9 is "Yes", then proceed to Question 10. If your answer to Questions 8 and 9 are both "No", then proceed to the Questions for the next Claimant.

10. What is the appropriate amount of punitive damages that should be assessed against the Defendants for their conduct toward Sheri Calvo.

\$ 500,000 Five-hundred thousand dollars

VERONICA FEREK

A. <u>SEXUAL HARASSMENT</u>

11. As to Rob Evans' conduct occurring prior to becoming an Assistant Manager on October 7, 1996, under the Court's instructions to you, do you find that Veronica Ferek has proven, by a preponderance of the evidence, that:

She was subjected to unwelcome harassment on the basis of her sex that was sufficiently severe or pervasive to create a hostile or abusive working environment and that Defendants knew or should have known about the harassment and failed to take prompt remedial action?

Answer Yes X No ____

If your answer to Question 11 was "Yes," you have found in favor of Veronica Ferek with respect to her claim of sexual harassment occurring prior to October 7, 1996. If your answer to Question 11 was "No," you have found in favor of Defendants with respect to this claim.

Proceed to Question 12.

12. As to Rob Evans' conduct as an Assistant Manager occurring subsequent to January 23, 1997, under the court's instructions to you, do you find that Veronica Ferek has proven, by a preponderance of the evidence, that:

She was subjected to unwelcome harassment on the basis of her sex that was sufficiently severe or pervasive to create a hostile or abusive working environment

Answer Yes X No

If your answer to Question No. 12 was "Yes," proceed to Question No. 13. If your answer to Question No. 12 was "No," proceed to Question No. 14, as instructed therein.

13.	Under	the	circumstances	of	this	case	and	the	court's	inst	ruction	s to	you,	as to
harassı	ment oc	curr	ing subsequen	t to	Janu	ary 2	3, 19	97,	do you	find	that D	efen	dants	have
proven	, by the	pre	ponderance of	the	evid	ence,								

proven, by the	preponderan	ice of the	eviden	ce,			
(a) sexually haras					ole care	e to p	revent and correct any
	Answer	Yes	 		No	_X_	
` '				•			ake advantage of any yer or to avoid harm
	Answer	Yes			No	X	
found in favo harassment of Question 13(s to this claim.	or of the Def occurring af	fendants ter Janu ten you l	with r pary 23	espect to , 1997.	Veroi	nica Fo 1 respo	"Yes," then you have erek's claim of sexual anded "No" to either ica Ferek with respect
Д.		.					
Ferek has pro					•		you find that Veronica
sexual harassn							nt in good faith about arge in good faith?
	Ansv	ver	Yes	X		No	·
in the terms, person in the c	conditions o	r privile	-	-			us and material change iewed by a reasonable
	Ansv	ver	Yes	X		No	

(c) That her substantial motivating cause that	•	r charge of discr in the Defendants'	
Answer Ye	es	No <u>X</u>	
If <u>all</u> of your answers Question No. 15. If not, proceed	_		
15. Under the court's instruction preponderance of the evidence change(s) in the terms, condition other reasons, even in the absence of the court's instruction.	lence, that Defend ons, or privileges	ants would have it of Veronica Ferek	mposed this/these s employment for
Answer Ye	es	No	
If your answer to Quest the Defendants with respect to to Question No. 15 was "No," respect to this claim. Proceed to Question No with respect to any of her clahave not found in favor of V sexual harassment or retaliation	Veronica Ferek's then you have for the bound of sexual harderonica Ferek with the bound of the b	claim of retaliation and in favor of Ventury found in favor of the respect to any	n. If your answer ronica Ferek with of Veronica Ferek etaliation. If you of her claims of
C. <u>DAMAGES</u>			
16. Under the court's instruction the preponderance of the compensate for humiliation, inconvenience?	evidence, that si	he should be awa	arded damages to
Answer Ye	es X	No	
If your answer to Ques answer to question 16 is "No",		_	estion 17. If your

17. What amount of damages should Veronica Ferek be awarded to compensate her for the humiliation, emotional pain, suffering, mental anguish and inconvenience caused by the Defendants?

\$10,000 - Ten-thousand dollars

18. Under the court's instructions to you, do you find that, with respect to any sexual harassment of Veronica Ferek by Robert Evans, actions of Defendants' officials, above the General Manager level, justify an award of punitive damages?

Answer Yes X No

19. Under the court's instructions to you, do you find that, with respect to any retaliation against Veronica Ferek by the Defendants, actions of Defendants' officials, above the General Manager level, justify an award of punitive damages?

Answer Yes ____ No X

If your answer to Questions 18 and/or 19 is "Yes", then proceed to Question 20. If your answer to Questions 18 and 19 are both "No", then proceed to the Questions for the next Claimant.

20. What is the appropriate amount of punitive damages that should be assessed against the Defendants for their conduct toward Veronica Ferek.

\$ 500,000 Five-hundred thousand dollars

RENE BROWN

A. SEXUAL HARASSMENT

As to Rob Evans' conduct occurring prior to becoming an Assistant Manager on October 7, 1996, under the Court's instructions to you, do you find that Rene Brown has proven, by a preponderance of the evidence, that:

She was subjected to unwelcome harassment on the basis of her sex that was sufficiently severe or pervasive to create a hostile or abusive working environment and that Defendants knew or should have known about the harassment and failed to take prompt remedial action?

> Yes X No Answer

If your answer to Question 21 was "Yes," you have found in favor of Rene Brown with respect to her claim of sexual harassment occurring prior to October 7, 1996. If your answer to Question 21 was "No," you have found in favor of Defendants with respect to this claim.

Proceed to Question 22.

As to Rob Evans' conduct as an Assistant Manager occurring subsequent to January 23, 1997, under the court's instructions to you, do you find that Rene Brown has proven, by a preponderance of the evidence, that:

She was subjected to unwelcome harassment on the basis of her sex that was sufficiently severe or pervasive to create a hostile or abusive working environment

> Yes X No Answer

If your answer to Question No. 22 was "Yes," proceed to Question No. 23. If your answer to Question No. 22 was "No," proceed to Question No. 24, as instructed therein.

harassment of		equent to J	anuary 23,			ons to you, as to Defendants have	
(a) sexually hara	That Defen assing behavio			onable car	re to prevent	and correct any	
	Answer	Yes		No	_X_		
(b) or corrective	That Rene Is opportunities					of any preventive nerwise.	
	Answer	Yes		No	_X_		
If your answer to Questions 23(a) and 23(b) were both "Yes," then you have found in favor of the Defendants with respect to Rene Brown's claim of sexual harassment occurring after January 23, 1997. If you responded "No" to either Question 23(a) or 23(b) then you have found in favor of Rene Brown with respect to this claim. Proceed to Question No. 24 only if you have found in favor of Rene Brown with respect to her claims of sexual harassment occurring prior to October 7, 1996, or subsequent to January 23, 1997. If you have not found in favor of Rene Brown with respect to either of those claims, proceed to the Questions for the next Claimant.							
В.	DAMAGES	S					
•	he prepondera for humilia	nce of the	evidence,	that she s	hould be awa	Rene Brown has rded damages to I anguish and	
	Ansv	wer '	Yes X	·	No	_	

If your answer to Question 24 is "Yes", then proceed to Question 25. If your answer to question 24 is "No", then proceed to Question 26.

25. What amount of damages should Rene Brown be awarded to compensate her for the humiliation, emotional pain, suffering, mental anguish and inconvenience caused by the Defendants?

\$ 10,000 - Ten-thousand dollars

Under the court's instructions to you, do you find that, with respect to any 26. sexual harassment of Rene Brown by Robert Evans, actions of Defendants' officials, above the General Manager level, justify an award of punitive damages?

> Yes X No Answer

If your answer to Question 26 was "Yes", then proceed to Question 27. If your answer to Question 26 is "No", then proceed to the Questions for the next Claimant.

27. What is the appropriate amount of punitive damages that should be assessed against the Defendants for their conduct toward Rene Brown.

\$ 500,000 Four-hundred thousand dollars

MELISSA SCARBOROUGH

A. <u>SEXUAL HARASSMENT</u>

28. As to Rob Evans' conduct as an Assistant Manager occurring subsequent to January 23, 1997, under the court's instructions to you, do you find that Melissa Scarborough has proven, by a preponderance of the evidence, that:

She was subjected to unwelcome harassment on the basis of her sex that was sufficiently severe or pervasive to create a hostile or abusive working environment

Yes X No Answer If your answer to Question No. 28 was "Yes," proceed to Question No. 29. If your answer to Question No. 28 was "No," you have found in favor of the Defendants with respect to Melissa Scarborough's claim of sexual harassment and you should proceed to the questions for the next Claimant. Under the circumstances of this case and the court's instructions to you, as to harassment occurring subsequent to January 23, 1997, do you find that Defendants have proven, by the preponderance of the evidence, That Defendants exercised reasonable care to prevent and correct any sexually harassing behavior in the workplace? Answer Yes No That Melissa Scarborough unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise. Yes No Answer

If your answer to Questions 29(a) and 29(b) were both "Yes," then you have found in favor of the Defendants with respect to Melissa Scarborough's claim of sexual harassment occurring after January 23, 1997. If you responded "No" to either Question 29(a) or 29(b) then you have found in favor of Melissa Scarborough with respect to this claim.

Proceed to Question No. 30 only if you have found in favor of Melissa

Scarborough with respect to her claim of sexual harassment occurring subsequent to January 23, 1997. If you have not found in favor of Melissa Scarborough with respect to this claim, proceed to the Questions for the next Claimant.

B. <u>DAMAGES</u>

30. Under the court's instructions to you, do you find that Melissa Scarborough has proven, by the preponderance of the evidence, that she should be awarded damages to compensate for humiliation, emotional pain, suffering, mental anguish and inconvenience?

Answer Yes X No

If your answer to Question 30 is "Yes", then proceed to Question 31. If your answer to question 30 is "No", then proceed to the questions for the next Claimant.

31. What amount of damages should Melissa Scarborough be awarded to compensate her for the humiliation, emotional pain, suffering, mental anguish and inconvenience caused by the Defendants?

\$ 10,000 - Ten-thousand dollars

Answer

Yes

LESLIE CUCINOTTA

SEXUAL HARASSMENT A.

32. As to Rob Evans' conduct as an Assistant Manager occurring subsequent to January 23, 1997, under the court's instructions to you, do you find that Leslie Cuccinotta has proven, by a preponderance of the evidence, that:

She was subjected to unwelcome harassment on the basis of her sex that was sufficiently severe or pervasive to create a hostile or abusive working environment

	Answer	Yes	<u>_</u>	No _		
If your your answer Defendants w should procee	to Question with respect	No. 32 was to Leslie C	"No," the uccinotta's	en you ha	ave found in	
33. to harassment have proven, b	occurring sub	sequent to .	January 23,			ons to you, as at Defendants
(a) sexually harass				ole care t	o prevent an	d correct any
	Answer	Yes		No _	<u>×</u> _	
(b) preventive or otherwise.				•		antage of any avoid harm

If your answer to Questions 33(a) and 33(b) were both "Yes," then you have found in favor of the Defendants with respect to Leslie Cuccinotta's claim of sexual harassment occurring after January 23, 1997. If you responded "No" to either Question 33(a) or 33(b) then you have found in favor of Leslie Cuccinotta with respect to this claim.

No

Proceed to Question No. 34 only if you have found in favor of Leslie Cuccinotta with respect to her claim of sexual harassment occurring subsequent to January 23, 1997. If you have not found in favor of Leslie Cuccinotta with respect to this claim you should proceed to the questions for Robert Evans.

B. **DAMAGES**

Under the court's instructions to you, do you find that Leslie Cuccinotta has proven, by the preponderance of the evidence, that she should be awarded damages to compensate for humiliation, emotional pain, suffering, mental anguish and inconvenience?

> Yes 🗶 No Answer

If your answer to Question 34 is "Yes", then proceed to Question 35. If your answer to question 34 is "No", then proceed to the questions for Robert Evans.

35. What amount of damages should Leslie Cuccinotta be awarded to compensate her for the humiliation, emotional pain, suffering, mental anguish and inconvenience caused by the Defendants?

\$ 10,000 - Ten-thousand dellars

ROBERT EVANS

As to the claim relating to Robert Evans, do you find from a preponderance of the evidence:

1. (a)	That Robert E	Evans breached hi	s fiduciary d	uty with Defendants.	
	Answer	Yes X	No		
(b)	Robert Evans		rcise diliger	ed loss as a proximate ance and good faith in s?	
	Answer	Yes _X_	No		
(c)) If "Yes," who against Robert		of damage,	if any, that should be	assessed
	Answer 			50,000 - Fi	Fty-th ousand dollars
June 20 Date	×, 2003			Bradford. R Foreperson	. Knapp