

FILED

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CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARTHA RIVERA, MAO HER, ALICIA)
ALVAREZ, EVA ARRIOLA, PEUANG)
BOUNNHONG, CHHOM CHAN, BEE LEE,)
PAULA MARTINEZ, MARIA MEDINA,)
MAI MEEMUOA, MARGARITA MENDOZA,)
BAO NHIA MOUA, ISIDRA MURILLO,)
MARIA NAVARRO, VATH RATTANATAY,)
OFELIA RIVERA, SARA RIVERA,)
MARIA RODRIGUEZ, MARIA RUIZ,)
MARIA VALDIVIA, SY VANG, YOUA)
XIONG, and SEE YANG,)

Plaintiffs,)

v.)

NIBCO, INC., an Indiana)
corporation,)

Defendant.)

1:99-cv-6443 OWW SMS
SPECIAL VERDICTS OF TRIAL
JURY

We the jury in the above-entitled cause find the following
answers to the questions submitted to us.

1 Question 1: On Plaintiffs' Title VII claim, do you find by
 2 a preponderance of the evidence that Nibco's Z test had a
 3 disproportionate adverse effect in causing the lay off of
 4 Hispanic and Asian employees?

PLAINTIFF	YES	NO
Alicia Alvarez	_____	<input checked="" type="checkbox"/>
Eva Arriola	_____	<input checked="" type="checkbox"/>
Peuang Bounnhong	_____	<input checked="" type="checkbox"/>
Chhom Chan	_____	<input checked="" type="checkbox"/>
Mao Her	_____	<input checked="" type="checkbox"/>
Bee Lee	_____	<input checked="" type="checkbox"/>
Paula Martinez	_____	<input checked="" type="checkbox"/>
Maria Medina	_____	<input checked="" type="checkbox"/>
Mai Meemoua	_____	<input checked="" type="checkbox"/>
Margarita Mendoza	_____	<input checked="" type="checkbox"/>
Bao Nhia Moua	_____	<input checked="" type="checkbox"/>
Isidra Murillo	_____	<input checked="" type="checkbox"/>
Maria Navarro	_____	<input checked="" type="checkbox"/>
Vath Rattanatay	_____	<input checked="" type="checkbox"/>
Martha Rivera	_____	<input checked="" type="checkbox"/>
Ofelia Rivera	_____	<input checked="" type="checkbox"/>
Sara Rivera	_____	<input checked="" type="checkbox"/>
Maria Rodriguez	_____	<input checked="" type="checkbox"/>
Maria Ruiz	_____	<input checked="" type="checkbox"/>
Maria Valdivia	_____	<input checked="" type="checkbox"/>
Sy Vang	_____	<input checked="" type="checkbox"/>
Youa Xiong	_____	<input checked="" type="checkbox"/>
See Yang	_____	<input checked="" type="checkbox"/>

21 If you answered "yes" as to any plaintiff, answer Question
 22 2. If you answered "no" as to all plaintiffs, answer Question 5.

1 Question 2: Has Nibco proved by a preponderance of the
2 evidence that the Z tests were job related to and consistent with
3 business necessity?

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5 Yes _____ No _____
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19 If you answered Question 2 "yes," answer Question 3. If you
20 answered Question 2 "no," answer Question 5.
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1 Question 3: Have Plaintiffs proved by a preponderance of
2 the evidence that:

3 (a) a less discriminatory alternative selection method as
4 defined in Jury Instruction No. 21, was available?

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6 Yes _____ No _____

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9 (b) Nibco refused to adopt the alternative selection
10 method?

11 Yes _____ No _____

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20 If you answered yes as to any of the Questions in Question
21 3, answer Question 4. If you answered no to any of the
22 subsections to Question 3, answer Question 5.

1 Question 4: Was any disproportionate adverse effect of the
2 administration of the Z test by Nibco a cause of the lay off of
3 any plaintiff?
4

5	PLAINTIFF	YES	NO
6	Alicia Alvarez	_____	_____
	Eva Arriola	_____	_____
7	Peuang Bounnhong	_____	_____
	Chhom Chan	_____	_____
8	Mao Her	_____	_____
	Bee Lee	_____	_____
9	Paula Martinez	_____	_____
	Maria Medina	_____	_____
10	Mai Meemoua	_____	_____
	Margarita Mendoza	_____	_____
11	Bao Nhia Moua	_____	_____
	Isidra Murillo	_____	_____
12	Maria Navarro	_____	_____
	Vath Rattanatay	_____	_____
13	Martha Rivera	_____	_____
	Ofelia Rivera	_____	_____
14	Sara Rivera	_____	_____
	Maria Rodriguez	_____	_____
15	Maria Ruiz	_____	_____
	Maria Valdivia	_____	_____
16	Sy Vang	_____	_____
	Youa Xiong	_____	_____
17	See Yang	_____	_____

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Answer Question 5.

1 Question 5: As to plaintiffs' FEHA claims, did Nibco's
 2 administration of its Z test cause disproportionate adverse
 3 effect in causing the lay off of any plaintiff by reason of any
 4 plaintiffs' national origin?

5	PLAINTIFF	YES	NO
6	Alicia Alvarez	_____	<input checked="" type="checkbox"/>
	Eva Arriola	_____	<input checked="" type="checkbox"/>
7	Peuang Bounnhong	_____	<input checked="" type="checkbox"/>
	Chhom Chan	_____	<input checked="" type="checkbox"/>
8	Mao Her	_____	<input checked="" type="checkbox"/>
	Bee Lee	_____	<input checked="" type="checkbox"/>
9	Paula Martinez	_____	<input checked="" type="checkbox"/>
	Maria Medina	_____	<input checked="" type="checkbox"/>
10	Mai Meemoua	_____	<input checked="" type="checkbox"/>
	Margarita Mendoza	_____	<input checked="" type="checkbox"/>
11	Bao Nhia Moua	_____	<input checked="" type="checkbox"/>
	Isidra Murillo	_____	<input checked="" type="checkbox"/>
12	Maria Navarro	_____	<input checked="" type="checkbox"/>
	Vath Rattanatay	_____	<input checked="" type="checkbox"/>
13	Martha Rivera	_____	<input checked="" type="checkbox"/>
	Ofelia Rivera	_____	<input checked="" type="checkbox"/>
14	Sara Rivera	_____	<input checked="" type="checkbox"/>
	Maria Rodriguez	_____	<input checked="" type="checkbox"/>
15	Maria Ruiz	_____	<input checked="" type="checkbox"/>
	Maria Valdivia	_____	<input checked="" type="checkbox"/>
16	Sy Vang	_____	<input checked="" type="checkbox"/>
	Youa Xiong	_____	<input checked="" type="checkbox"/>
17	See Yang	_____	<input checked="" type="checkbox"/>

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 20 If you answered Question 6 "yes," as to any employee, answer
 21 Question 7. If you answered Question 7 "no" as to all
 22 plaintiffs, sign and return this verdict.

1 Question 6: Has Nibco established by a preponderance of the
2 evidence that the Z test was job related and necessary to its
3 business?

4 Yes X No _____

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If you answered "yes," answer Question 7. If you answered
"no," and answered Question 5 "yes," answer Question 8.

1 Question 7: If you found that Nibco's Z test was job
2 related and necessary to its business, have plaintiffs proved
3 that:

4 (a) There was an alternative employment practice that would
5 have accomplished the business purpose equally well?

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7 Yes _____ No X

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9 (b) Would this alternative employment practice have had
10 less adverse impact on Hispanic and Asian employees?

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12 Yes _____ No X

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20 If you answered Question 7 yes, answer Question 8. If you
21 answered Question 7 no, sign and return this verdict.

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1 Question 8: Was Nibco's Z test a substantial factor in
2 causing the lay off of any Plaintiff?

3	PLAINTIFF	YES	NO
4	Alicia Alvarez	_____	_____
	Eva Arriola	_____	_____
5	Peuang Bounnhong	_____	_____
	Chhom Chan	_____	_____
6	Mao Her	_____	_____
	Bee Lee	_____	_____
7	Paula Martinez	_____	_____
	Maria Medina	_____	_____
8	Mai Meemoua	_____	_____
	Margarita Mendoza	_____	_____
9	Bao Nhia Moua	_____	_____
	Isidra Murillo	_____	_____
10	Maria Navarro	_____	_____
	Vath Rattanatay	_____	_____
11	Martha Rivera	_____	_____
	Ofelia Rivera	_____	_____
12	Sara Rivera	_____	_____
	Maria Rodriguez	_____	_____
13	Maria Ruiz	_____	_____
	Maria Valdivia	_____	_____
14	Sy Vang	_____	_____
	Youa Xiong	_____	_____
15	See Yang	_____	_____

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20 Sign, date and return this verdict.
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1 We the jury in the above-entitled case have unanimously
2 found the foregoing answers to the questions submitted to us in
3 this verdict form. So say we all.

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5 DATED: November 26, 2008.

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8 Foreperson
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