

EXHIBIT "A"

amount and duration of his recovery for lost wages (back pay from February 5, 2002 through trial), (b) the amount and duration of his recovery for lost employment benefits (i.e., medical expenses resulting from the loss of health insurance benefits, life insurance benefits, disability insurance sick leave, vacation pay, education benefits, pension benefits and holiday pay) and (c) the amount and duration of his recovery for the equitable remedy of front pay. James's medical evidence will establish that he has been physically unable to return to work at his former process analyst position or an equivalent position since February 5, 2002, which evidence is relevant to the amount and the duration of his claim for back pay, lost employment benefits and front pay. James's medical evidence will also establish the reasonableness and necessity of his medical and hospital bills not paid by Motorola. In addition, the factual determinations of the amounts recoverable for James's losses for back pay and employment benefits directly impacts the amount of his recovery of interest/ prejudgment interest and liquidated damages (double damages) pursuant to §§ 2617(a)(1)(A)(ii-iii) of the FMLA.

Thirdly, James's medical evidence is also relevant with regard to James's right to recover the equitable remedy of front pay pursuant to §2617(a)(1)(B) of the FMLA. James' treating physicians will testify that James' medical conditions, which prevent him from returning to his former position or an equivalent position, are permanent or chronic in nature. Thus, James's medical evidence is relevant both to his right to recover front pay and the duration of any award for front pay.

Interestingly, Motorola's motion also states that the "record" in no way supports James's claim that Motorola's alleged harassment of him made him unable to work. (Motion, p. 10). Notably, Motorola – in its haste to file a motion for summary judgment – elected not to depose James's treating physicians to determine their opinions prior to its filing of its revised motion for