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JS-6

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

KATRINA PERONA, an individual

Plaintiff,

vs.

TIME WARNER CABLE, INC., a
corporation,

Defendants.

CASE NO.: 5:14-cv-02501-MWF(SP_x)
The Honorable Michael W. Fitzgerald,
United States District Judge

JUDGMENT AFTER TRIAL

This action came on regularly for trial between August 30, 2016, and September 8, 2016, in Courtroom 1600 of this United States District Court. Plaintiff was Katrina Perona. Plaintiff was represented by Frank A. Magnanimo, Esq., and Audrey L. Priolo, Esq., of Magnanimo & Dean, LLP. Defendant Time Warner Cable, Inc. was represented by James A. Bowles, Esq., and Casey L. Morris, Esq., of Hill, Farrer & Burrill LLP.

A jury of eight persons was regularly empaneled and sworn. Witnesses were sworn and testified. After hearing the evidence and arguments of counsel, the jury

1 was duly instructed by the Court and the cause was submitted to the jury. The jury
2 deliberated and thereafter returned a special verdict as follows:

3 **Disability Discrimination Claim**

- 4 1. Did Time Warner Cable know that Katrina Perona had a physical condition
5 that limited her ability to work?
6 YES X NO ____
7 If you answered “yes,” proceed to Question No. 2. If you
8 answered “no,” proceed to Question No. 9.
- 9 2. Was Katrina Perona able to perform the essential job duties with reasonable
10 accommodation for her physical condition?
11 YES X NO ____
12 If you answered “yes,” proceed to Question No. 3. If you answered
13 “no,” proceed to Question No. 9.
- 14 3. Did Time Warner Cable discharge Katrina Perona?
15 YES X NO ____
16 If you answered “yes,” proceed to Question No. 4. If you answered
17 “no,” proceed to Question No. 9.
- 18 4. Was Katrina Perona’s physical condition a substantial motivating reason for
19 Time Warner Cable’s discharge of Katrina Perona?
20 YES ____ NO X
21 If you answered “yes,” proceed to Question No. 5. If you answered
22 “no,” proceed to Question No. 9.
- 23 5. Was Katrina Perona harmed?
24 YES ____ NO ____
25 If you answered “yes,” proceed to Question No. 6. If you answered
26 “no,” proceed to Question No. 9.
- 27 6. Was Time Warner Cable’s conduct a substantial factor in causing Katrina
28 Perona’s harm?
YES ____ NO ____
If you answered “yes,” proceed to Question No. 7. If you answered
“no,” proceed to Question No. 9.
7. Has Time Warner Cable proven that it would have discharged Katrina
Perona for a non-discriminatory reason, standing alone, regardless of the

1 fact that she had a disability?

2 YES ____ NO ____

3 Proceed to the next Question.

4 8. Has Time Warner Cable proven that providing Katrina Perona with a
5 reasonable accommodation would have created an undue hardship to the
6 operations of Time Warner Cable?

7 YES ____ NO ____

8 Proceed to the next Question.

9 **Failure to Reasonably Accommodate Claim**

10 9. Did Katrina Perona have a physical condition?

11 YES X NO ____

12 If you answered "yes," proceed to Question No. 10. If you
13 answered "no," proceed to Question No. 16.

14 10. Did Time Warner Cable know that Katrina Perona had a physical condition?

15 YES X NO ____

16 If you answered "yes," proceed to Question No. 11. If you
17 answered "no," proceed to Question No. 16.

18 11. Was Katrina Perona able to perform the essential job duties with reasonable
19 accommodation for her physical condition?

20 YES X NO ____

21 If you answered "yes," proceed to Question No. 12. If you answered
22 "no," proceed to Question No. 16.

23 12. Did Time Warner Cable fail to provide reasonable accommodation for
24 Katrina Perona's physical condition?

25 YES ____ NO X

26 If you answered "yes," proceed to Question No. 13. If you answered
27 "no," proceed to Question No. 16.

28 13. Was Katrina Perona harmed?

YES ____ NO ____

If you answered "yes," proceed to Question No. 14. If you answered
"no," proceed to Question No. 16.

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1 14. Was Time Warner Cable's failure to provide reasonable accommodation a
2 substantial factor in causing Katrina Perona's harm?

3 YES NO

4 If you answered "yes," proceed to Question No. 15. If you answered
"no," proceed to Question No. 16.

5 15. Has Time Warner Cable proven that providing Katrina Perona with a
6 reasonable accommodation would have created an undue hardship to the
7 operations of Time Warner Cable?

8 YES NO

Proceed to the next Question.

9 **Failure to Engage in the Interactive Process Claim**

10 16. Did Katrina Perona have a physical condition that was known to Time
11 Warner Cable?

12 YES NO

13 If you answered "yes," proceed to Question No. 17. If you
14 answered "no," proceed to Question No. 23.

15 17. Did Katrina Perona request that Time Warner Cable make reasonable
16 accommodation for her physical condition so that she would be able to
perform the essential job duties?

17 YES NO

18 If you answered "yes," proceed to Question No. 18. If you
19 answered "no," proceed to Question No. 23.

20 18. Was Katrina Perona willing to participate in an interactive process to
21 determine whether reasonable accommodation could be made so that she
would be able to perform the essential job duties?

22 YES NO

23 If you answered "yes," proceed to Question No. 19. If you answered
"no," proceed to Question No. 23.

24 19. Did Time Warner Cable fail to participate in a timely good-faith interactive
25 process with Katrina Perona to determine whether reasonable
accommodation could be made?

26 YES NO

27 If you answered "yes," proceed to Question No. 20. If you answered
28 "no," proceed to Question No. 23.

1 20. Was a reasonable accommodation or reasonable accommodations available
2 at the time that would have allowed Katrina Perona to perform the essential
3 job duties?

4 YES X NO _____

5 If you answered "yes," proceed to Question No. 21. If you answered
6 "no," proceed to Question No. 23.

7 21. Was Katrina Perona harmed?

8 YES X NO _____

9 If you answered "yes," proceed to Question No. 22. If you answered
10 "no," proceed to Question No. 23.

11 22. Was Time Warner Cable's failure to engage in a good-faith interactive
12 process a substantial factor in causing Katrina Perona's harm?

13 YES X NO _____

14 Proceed to the next Question.

15 23. If you answered "no" to *either* Question No. 8 *or* Question No. 15 *or*
16 answered "yes" to Question No. 22, proceed to Question No. 24. Otherwise,
17 answer no further questions and have the foreperson sign and date this form.

18 24. Please state what reasonable accommodation or reasonable accommodations
19 Time Warner Cable could have provided to Katrina Perona:

20 1. Change work schedule: part time shift

21 2. Reassignment to vacant position

22 Proceed to the next Question.

23 **Damages**

24 25. What are Katrina Perona's total damages, taking into consideration her duty
25 to reasonably mitigate her damages?

26 Past and present economic damages: \$80,000

27 Future economic damages: \$0

28 Past and present non-economic damages: \$80,000

TOTAL: \$160,000

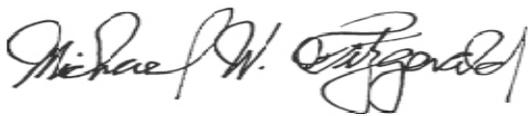
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1 Now, therefore, pursuant to Rules 54 and 58 of the Federal Rules of Civil
2 Procedure, **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that
3 final judgment in this action be entered as follows:

- 4 1. *On the claim for disability discrimination:* Judgment is entered in favor
5 of Defendant Time Warner Cable, Inc., and Plaintiff Katrina Perona
6 shall take nothing on this claim by her Complaint.
- 7 2. *On the claim for failure to reasonably accommodate:* Judgment is
8 entered in favor of Defendant Time Warner Cable, Inc., and Plaintiff
9 Katrina Perona shall take nothing on this claim by her Complaint.
- 10 3. *On the claim for failure to engage in the interactive process:* Judgment
11 is entered in favor of Plaintiff Katrina Perona and against Defendant
12 Time Warner Cable, Inc., as follows: \$160,000.
- 13 4. *On the claim for retaliation:* Plaintiff Katrina Perona dismissed this
14 claim during trial. Judgment is entered in favor of Defendant Time
15 Warner Cable, Inc., and Plaintiff Katrina Perona shall take nothing on
16 these claims by her Complaint.
- 17 5. *On the claim for wrongful termination in violation of public policy:*
18 Judgment is entered in favor of Defendant Time Warner Cable, Inc.,
19 and Plaintiff Katrina Perona shall take nothing on this claim by her
20 Complaint.
- 21 6. *On the claim for unfair competition:* Judgment is entered in favor of
22 Defendant Time Warner Cable, Inc., and Plaintiff Katrina Perona shall
23 take nothing on this claim by her Complaint.

24 Plaintiff Katrina Perona is further awarded her costs as provided by law.

25 Dated: September 21, 2016.



26
27 MICHAEL W. FITZGERALD
28 United States District Judge