

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WILLIE ROSE,

No. C 10-04355 WHA

Plaintiff,

v.

PLASTIKON INDUSTRIES, INC.,

Defendant.

_____ /

SPECIAL VERDICT FORM

SPECIAL VERDICT FORM

Your answers must be unanimous.

Question No. 1

Has plaintiff proven that retaliation for making a harassment and discrimination complaint was a motivating factor for defendant's decision to discharge him?

Yes _____ No _____

If you answer "no" to Question No. 1, then you have found defendant not liable and should proceed to date and sign the verdict form at the end of the last page. If you answer "yes" to Question No. 1, please proceed to the next question.

Question No. 2

If you have answered "yes" to the prior question, has defendant proven that its decision to discharge plaintiff was also motivated by a lawful reason?

Yes _____ No _____

If you answer "no" to Question No. 2, you have found defendant liable and should proceed to Question No. 4, skipping Question No. 3. If you answer "yes" to Question No. 2, please proceed to the next question.

Question No. 3

If you have answered "yes" to both prior questions, has defendant proven that it would have made the same decision to discharge plaintiff even if retaliation had played no role in defendant's decision to discharge plaintiff?

Yes _____ No _____

If you answer "yes" to Question No. 3, then you have found defendant not liable for damages and should proceed to date and sign the verdict form at the end of the last page. If you answer "no" to Question No. 3, you have found defendant liable and should proceed to the next question.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Question No. 4

Has plaintiff proven that he suffered actual injury, damage or harm caused by the acts or omissions of any of defendant's employees?

Yes _____ No _____

If you answer "no" to Question No. 4, skip Question No. 5 and proceed to Question No. 6. If you answer "yes" to Question No. 4, then please proceed to the next question.

Question No. 5

State the amount of any damages proven by plaintiff as a result of defendant's acts or omissions.

\$ _____

If your answer exceeds one dollar, please skip Question No. 6 and proceed to Question No. 7.

Question No. 6

The law which applies to this case authorizes an award of nominal damages. If you find for plaintiff but you find that he has failed to prove damages as defined in these instructions, please state the amount of nominal damages you award (not to exceed one dollar).

\$ _____

Please proceed to the next question.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Question No. 7

If you find that defendant is liable for any of the claims, do you find that defendant's conduct that harmed plaintiff was malicious, oppressive or in reckless disregard of plaintiff's rights and that punitive damages should be assessed against defendant?

Yes _____ No _____

Please proceed to date and sign the verdict form below.

Dated: March _____, 2012.

FOREPERSON