

United States District Court
For the Northern District of California

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

KIM MUNIZ,
Plaintiff,
v.
UNITED PARCEL SERVICE,
Defendant.

No. 09-1987 CW
VERDICT FORM

We, the jury, in the above-entitled action, find the following
verdict on the following questions submitted to us:

GENDER DISCRIMINATION

1. (a) Did Plaintiff Kim Muniz prove by a preponderance of the
evidence that her gender was a motivating reason for Defendant
United Parcel Service (UPS) to deny her a stock bonus in 2008?

Yes ____ No ____

If you answered "Yes" to this question, then answer question
1(b). If you answered "No," proceed to question 2.

(b) Did Ms. Muniz prove by a preponderance of the evidence
that UPS's decision to deny her a stock bonus in 2008 was a
substantial factor in causing her harm?

Yes ____ No ____

If you answered "Yes" to this question, then answer question
1(c). If you answered "No," proceed to question 2.

1 (c) Did UPS prove by a preponderance of the evidence that,
2 even if the denial of a stock bonus to Ms. Muniz was motivated
3 by both discriminatory and non-discriminatory reasons, it
4 would have taken the same action for a non-discriminatory
5 reason?

6 Yes _____ No _____

7
8 2. (a) Did Ms. Muniz prove by a preponderance of the evidence
9 that her gender was a motivating reason for UPS to place her
10 on a performance improvement plan in 2008?

11 Yes _____ No _____

12 If you answered "Yes" to this question, then answer question
13 2(b). If you answered "No," proceed to question 3.

14
15 (b) Did Ms. Muniz prove by a preponderance of the evidence
16 that UPS's decision to place her on a performance improvement
17 plan in 2008 was a substantial factor in causing her harm?

18 Yes _____ No _____

19 If you answered "Yes" to this question, then answer question
20 2(c). If you answered "No," proceed to question 3.

21
22 (c) Did UPS prove by a preponderance of the evidence that,
23 even if the placement of Ms. Muniz on a performance
24 improvement plan was motivated by both discriminatory and non-
25 discriminatory reasons, it would have taken the same action
26 for a non-discriminatory reason?

27 Yes _____ No _____

1 3. (a) Did Ms. Muniz prove by a preponderance of the evidence
2 that her gender was a motivating reason for UPS to demote her?

3 Yes _____ No _____

4 If you answered "Yes" to this question, then answer question
5 3(b). If you answered "No," proceed to question 4.

6
7 (b) Did Ms. Muniz prove by a preponderance of the evidence
8 that UPS's decision to demote her was a substantial factor in
9 causing her harm?

10 Yes _____ No _____

11 If you answered "Yes" to this question, then answer question
12 3(c). If you answered "No," proceed to question 4.

13
14 (c) Did UPS prove by a preponderance of the evidence that,
15 even if the demotion of Ms. Muniz was motivated by both
16 discriminatory and non-discriminatory reasons, it would have
17 taken the same action for a non-discriminatory reason?

18 Yes _____ No _____

19 **DAMAGES**

20 4. Answer question 4 only if, for at least one of questions 1-3,
21 you answered "Yes" to (a), "Yes" to (b) and "No" to (c).

22 Otherwise, please sign, date and return this form.

23
24 State the full amount of money that you decide is reasonable to
25 compensate Ms. Muniz for the damages she suffered as a result of
26 the adverse employment action or actions you found to be motivated
27

1 by her gender, to be a substantial factor in causing her harm and
2 would not have been taken for a non-discriminatory reason.

3 (a) Past Economic Loss

4 Earnings: \$_____

5 Medical expenses: \$_____

6
7 (b) Future Economic Loss (reduced to present value)

8 Earnings: \$_____

9 Medical expenses: \$_____

10
11 (c) Past non-economic loss, including mental suffering,
12 loss of enjoyment of life, inconvenience, grief, anxiety,
13 humiliation and emotional distress:

14 \$_____

15
16 (d) Future non-economic loss, including mental suffering,
17 loss of enjoyment of life, inconvenience, grief, anxiety,
18 humiliation and emotional distress:

19 \$_____

20
21 Please have the presiding juror sign, date and return this form.

22 Signed: _____ Date: _____
23 Presiding Juror

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