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4   UNITED STATES DISTRICT COURT

5   NORTHERN DISTRICT OF CALIFORNIA

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7   TERESA AGUIRRE,   Case No. 16-cv-05564-HSG

8   Plaintiff,   **[DRAFT] VERDICT FORM**

9   v.

10   THE STATE OF CALIFORNIA, et al.,

11   Defendants.

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13   We the jury in the above-entitled action find the following answers to the questions

14   submitted to us:

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United States District Court
Northern District of California

Family Medical Leave Act Claims

Question 1: Has Ms. Aguirre proven by a preponderance of the evidence:

    A. That she was eligible for the FMLA's protections? This element is established.

    B. That her employer was covered by the FMLA? This element is established.

    C. That she was entitled to leave under the FMLA? This element is established.

    D. That she provided sufficient notice to the State of California of her intent to take leave?

            ____ YES   ____ NO

    E. That the State of California interfered with, restrained, or denied Ms. Aguirre's exercise of or attempt to exercise her FMLA rights?

            ____ YES   ____ NO

    F. That the State of California's violation of her FMLA rights was a cause of harm or damage to her?

            ____ YES   ____ NO

Proceed to Question 2.

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Question 2: Has Ms. Aguirre proven by a preponderance of the evidence:

    A. That she was eligible for the FMLA's protections? This element is established.

    B. That her employer was covered by the FMLA? This element is established.

    C. That she was entitled to leave under the FMLA? This element is established.

    D. That she provided sufficient notice to Ms. Mills of her intent to take leave?

            ____ YES   ____ NO

    E. That Ms. Mills interfered with, restrained, or denied Ms. Aguirre's exercise of or attempt to exercise her FMLA rights?

            ____ YES   ____ NO

    F. That Ms. Mills' violation of Ms. Aguirre's FMLA rights was a cause of harm or damage to her?

            ____ YES   ____ NO

Proceed to Question 3.

Question 3: Has Ms. Aguirre proven by a preponderance of the evidence:

    A. That she was eligible for the FMLA's protections? This element is established.

    B. That her employer was covered by the FMLA? This element is established.

    C. That she was entitled to leave under the FMLA? This element is established.

    D. That she provided sufficient notice to Ms. Huss of her intent to take leave?

                ____ YES   ____ NO

    E. That Ms. Huss interfered with, restrained, or denied Ms. Aguirre's exercise of or attempt to exercise her FMLA rights?

                ____ YES   ____ NO

    F. That Ms. Huss's violation of Ms. Aguirre's FMLA rights was a cause of harm or damage to her?

                ____ YES   ____ NO

Proceed to Question 4 only if you answered YES to at least one of the following options: (1) all three of Question 1D, 1E, and 1F; (2) all three of Question 2D, 2E, and 2F; or (3) all three of Question 3D, 3E, and 3F.

Skip Question 4 and proceed to Question 5 only if you answered NO to at least one lettered sub-question (i.e., one or more of D, E, or F) in each numbered question (i.e., 1, 2, and 3).

1   Question 4: What amount of damages has Ms. Aguirre proven by a preponderance of the

2   evidence were caused by the violation of Ms. Aguirre's Family and Medical Leave Act rights?

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4   Lost wages and benefits OR actual monetary losses (circle one):

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18   Proceed to Question 5.

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California Family Rights Act Claims

Question 5: Has Ms. Aguirre proven by a preponderance of the evidence:

    A. That she was eligible for family care leave? This element is established.

    B. That she requested leave to care for her father, who had a serious health condition?

       This element is established.

    C. That she provided reasonable notice to the State of California of her need for family

       care leave, including its expected timing and length?

           ____ YES   ____ NO

    D. That the State of California interfered with, restrained, or denied Ms. Aguirre's

       exercise of or attempt to exercise her family care leave rights?

           ____ YES   ____ NO

    E. That Ms. Aguirre was harmed?

           ____ YES   ____ NO

    F. That the State of California's conduct was a substantial factor in causing Ms. Aguirre's

       harm?

           ____ YES   ____ NO

Proceed to Question 6.

Question 6: Has Ms. Aguirre proven by a preponderance of the evidence:

    A. That she was eligible for family care leave? This element is established.

    B. That she requested leave to care for her father, who had a serious health condition? This element is established.

    C. That she provided reasonable notice to Ms. Mills of her need for family care leave, including its expected timing and length?

          ____ YES   ____ NO

    D. That Ms. Mills interfered with, restrained, or denied Ms. Aguirre's exercise of or attempt to exercise her family care leave rights?

          ____ YES   ____ NO

    E. That Ms. Aguirre was harmed?

          ____ YES   ____ NO

    F. That Ms. Mills' conduct was a substantial factor in causing Ms. Aguirre's harm?

          ____ YES   ____ NO

Proceed to Question 7.

Question 7: Has Ms. Aguirre proven by a preponderance of the evidence:

    A. That she was eligible for family care leave? This element is established.

    B. That she requested leave to care for her father, who had a serious health condition? This element is established.

    C. That she provided reasonable notice to Ms. Huss of her need for family care leave, including its expected timing and length?

          ____ YES   ____ NO

    D. That Ms. Huss interfered with, restrained, or denied Ms. Aguirre's exercise of or attempt to exercise her family care leave rights?

          ____ YES   ____ NO

    E. That Ms. Aguirre was harmed?

          ____ YES   ____ NO

    F. That Ms. Huss's conduct was a substantial factor in causing Ms. Aguirre's harm?

          ____ YES   ____ NO

Proceed to Question 8 only if you answered YES to at least one of the following options: (1) all four of Question 5C, 5D, 5E, and 5F; (2) all four of Question 6C, 6D, 6E, and 6F; or (3) all four of Question 7C, 7D, 7E, and 7F.

Skip Question 8 and sign and return this verdict form only if you answered NO to at least one lettered sub-question (i.e., one or more of C, D, E, or F) in each numbered question (i.e., 5, 6, and 7).

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Question 8: What amount of damages has Ms. Aguirre proven by a preponderance of the evidence were caused by the violation of Ms. Aguirre's California Family Rights Act rights?

Past economic loss:

$ _____

Past noneconomic loss:

$ _____

Future noneconomic loss:

$ _____

Sign and return this verdict form.

I certify that the foregoing answers to the questions propounded to the jury in this verdict form were answered unanimously by all jurors.

DATED: January ____, 2019

_____
Foreperson