

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

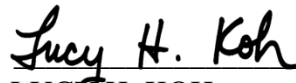
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CHARLES LOFT,
Plaintiff,
v.
STATIONARY ENGINEERS, LOCAL 39
PTF, LLC,
Defendant.

Case No. 14-CV-00817-LHK
PROPOSED VERDICT FORM

The parties shall file any objections to the verdict form by June 9, 2015.

Dated: June 1, 2015



LUCY H. KOH
United States District Judge

1 When answering the following questions and filling out this verdict form, please follow the
2 directions provided throughout the form. Some of the questions contain legal terms that are
3 defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions if you
4 are unsure about the meaning or usage of any legal term that appears in the questions below.

5 We, the jury, unanimously agree to the answers to the following questions and return the
6 answers under the instructions of this Court as our verdict in this case.

7 **LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT**

8 (1) Was Charles Loft served with written specific charges against him?

9 Yes _____ No _____

10 *Please proceed to question number 2.*

11 (2) Was Charles Loft given a reasonable time to prepare his defense to those charges?

12 Yes _____ No _____

13 *Please proceed to question number 3*

14 (3) Was Charles Loft given a full and fair trial?

15 Yes _____ No _____

16 *If you answered "No" to any of questions 1, 2, or 3, proceed to question number 4. If you
17 answered "Yes" to questions 1, 2, and 3, proceed to question number 5.*

18 (4) What are Charles Loft's damages, if any, for violation of the Labor-Management
19 Reporting and Disclosure Act?

20 \$ _____

21 *Please proceed to question number 5.*

22 **BREACH OF CONTRACT**

23 (5) Did Stationary Engineers Local 39 breach the International Constitution?

24 Yes _____ No _____

25 *If you answered "Yes" to question number 5, proceed to question number 6. If you
26 answered "No" to question number 5, proceed to question number 7.*

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

(6) What are Charles Loft’s damages, if any, for breach of contract?

\$ _____

Please proceed to question number 7.

BREACH OF THE DUTY OF FAIR REPRESENTATION

(7) Did Sequoia Hospital violate the terms of the collective bargaining agreement between Stationary Engineers Local 39 and Sequoia Hospital?

Yes _____ No _____

If you answered “Yes” to question number 7, proceed to question number 8. If you answered “No” to question number 7, proceed to question number 11.

(8) Did Charles Loft prove that Stationary Engineers Local 39 failed to fairly represent Charles Loft’s best interests in attempting to remedy the violation of the collective bargaining agreement?

Yes _____ No _____

If you answered “Yes” to question number 8, proceed to question number 9. If you answered “No” to question number 8, proceed to question number 11.

(9) Did Charles Loft prove that Stationary Engineers Local 39 acted in bad faith or in an arbitrary or discriminatory manner when it failed to represent Charles Loft’s best interest?

Yes _____ No _____

If you answered “Yes” to question number 9, proceed to question number 10. If you answered “No” to question number 9, proceed to question number 11.

(10) What are Charles Loft’s damages, if any, for breach of the duty of fair representation?

\$ _____

Please proceed to question number 11.

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(11) Did Charles Loft prove that Stationary Engineers Local 39’s conduct was outrageous?

Yes _____ No _____

If you answered “Yes” to question number 11, proceed to question number 12. If you answered “No” to question number 11, stop here, answer no further questions, and have the presiding juror sign and date this form and notify the bailiff.

(12) Did Charles Loft prove that Stationary Engineers Local 39 intended to cause him emotional distress or that Stationary Engineers Local 39 acted with reckless disregard of the probability that he would suffer emotional distress?

Yes _____ No _____

If you answered “Yes” to question number 12, proceed to question number 13. If you answered “No” to question number 12, stop here, answer no further questions, and have the presiding juror sign and date this form and notify the bailiff.

(13) Did Charles Loft prove that he suffered emotional distress?

Yes _____ No _____

If you answered “Yes” to question number 13, proceed to question number 14. If you answered “No” to question number 13, stop here, answer no further questions, and have the presiding juror sign and date this form and notify the bailiff.

(14) Did Charles Loft prove that Stationary Engineers Local 39’s conduct was a substantial factor in causing his severe emotional distress?

Yes _____ No _____

If you answered “Yes” to question number 14, proceed to question number 15. If you answered “No” to question number 14, stop here, answer no further questions, and have the presiding juror sign and date this form and notify the bailiff.

(15) What are Charles Loft’s damages, if any, for the intentional infliction of emotional distress?

\$ _____

Have the presiding juror sign and date this verdict form and notify the bailiff.

Signed: _____ Date: _____

PRESIDING JUROR