

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

Case No.: 10-21667-CIV-COOKE/TURNOFF

MARLENIS SMART,

Plaintiff,

vs.

CITY OF MIAMI BEACH, FLORIDA
a political subdivision,

Defendant.

VERDICT FORM

1. Based upon the Court's instructions, do you find that the Plaintiff has proven by a preponderance of the evidence that Defendant subjected her to a sexually hostile work environment by subjecting her to acts of sexual harassment which were so severe and pervasive as to create a hostile and abusive working environment?

Answer: Yes or No Yes.

(If you answered "Yes" to Question 1, please proceed to Question 2. If you answered "No" to Question 1, you need not answer Question 2 or 3, and should proceed to Question 4.)

2. Based on the Court's instructions, do you find that the Defendant exercised reasonable care to prevent any sexually harassing behavior in the workplace and that either Plaintiff failed to use the procedures in place to promptly report any harassment or that Defendant took prompt and reasonable action after the Plaintiff took advantage of the preventive or corrective opportunities provided by the Defendant?

Answer: Yes or No No.

(If you answered "Yes" to Question 2, please proceed to Question 4. If you answered "No" to Question 2, please proceed to Question 3.)

3. Based upon the Court's instructions, do you find that Plaintiff has proven by a preponderance of the evidence that she suffered emotional pain and mental anguish as a proximate result of sexual harassment by Defendant, and that she should be awarded damages to compensate her for emotional pain and mental anguish?

Answer: Yes or No Yes

If your answer is Yes, in what amount? \$ 700,000 .

(Please proceed to Question 4.)

4. Based upon the Court's instructions, do you find that the Plaintiff has proven by a preponderance of the evidence that Defendant subjected Plaintiff to an adverse employment action in retaliation for her complaining of sexual harassment?

Answer: Yes or No No

(If you answered "Yes" to Question 4, please proceed to Question 5. If you answered "No" to Question 4, you do not need to proceed any further – please sign and date the Verdict Form.)

5. Based upon the Court's instructions, do you find that Plaintiff has proven by a preponderance of the evidence that she suffered emotional pain and mental

anguish as a proximate result of retaliation by Defendant, and that she should be awarded damages to compensate her for emotional pain and mental anguish?

Answer: Yes or No _____

If your answer is Yes, in what amount? \$ _____

SO SAY WE ALL.

Foreperson

Dated: 3-9-12