

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION

EDWARD D. HEATON,

Plaintiff,

vs.

THE WEITZ COMPANY, INC.,

Defendant.

No. 05-CV-102-LRR

VERDICT FORM

We, the jury, unanimously find the following verdict on Plaintiff Edward D. Heaton's claim submitted to us:

**Question 1:** Did Plaintiff Edward D. Heaton prove by the greater weight of the evidence that he suffered an adverse employment action when he was demoted and laid off from Defendant The Weitz Company, Inc., as foreman, general foreman or superintendent?

Please answer "yes" or "no."

Answer: Yes

(If your answer to Question 1 is "yes," please proceed to Question 2 and answer that question. If your answer to Question 1 is "no," do not answer any further questions, sign and date this Verdict Form.)

**Question 2:** Did Plaintiff Edward D. Heaton prove by the greater weight of the evidence that his protected activity was a motivating factor for the adverse employment actions listed in Question 1?

Please answer "yes" or "no."

Answer: Yes

(CONTINUED)

**VERDICT FORM (cont'd)**

(If your answer to Question 2 is "yes," please proceed to Question 3 and answer that question. If your answer to Question 2 is "no," do not answer any further questions, sign and date this Verdict Form.)

**Question 3:**

**Note:** Answer Question 3 only if you answered "yes" to both Question 1 and Question 2.

State the amount of damages, if any, Plaintiff suffered as a direct result of Defendant's wrongful conduct:

- |    |   |                                 |
|----|---|---------------------------------|
| 1. | Lost wages for November 4, 2003, to July 7, 2006                    | \$ <u>47,537.<sup>44</sup></u>  |
| 2. | Overtime or double time wages for November 4, 2003, to July 7, 2006 | \$ <u>0</u>                     |
| 3. | Lost bonuses for 2003, 2004 and 2005                                | \$ <u>0</u>                     |
| 4. | Lost health insurance benefits                                      | \$ <u>4800</u>                  |
| 5. | Lost pension benefits   | \$ <u>11,413</u>                |
| 6. | Loss of use of a superintendent's truck                             | \$ <u>0</u>                     |
| 7. | Past emotional distress damages                                     | \$ <u>73,320</u>                |
|    | <b>Total Damages:</b>   | \$ <u>137,070.<sup>44</sup></u> |

(CONTINUED)

**VERDICT FORM (cont'd)**

**This is the end of the Verdict Form.**

Dated this 29 day of November, 2006.

<u>151</u> Foreperson	<u>151</u> Juror
<u>151</u> Juror	<u>151</u> Juror
<u>151</u> Juror	<u>151</u> Juror
<u>151</u> Juror	<u>151/151</u> Juror

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**SUPPLEMENTAL  
VERDICT FORM**

We, the jury, unanimously find the following verdict on the question submitted to us:

**Question 4:** Has it been proved by the greater weight of the evidence that Defendant The Weitz Company, Inc., acted with malice or reckless indifference to Plaintiff Edward D. Heaton's right not to be retaliated against because of his opposition to national origin harassment or discrimination?

Please answer "yes" or "no."

Answer: Yes

(If your answer to Question 4 is "yes," please proceed to answer Question 5 below. If your answer to Question 4 is "no," do not answer any further questions, sign and date this Supplemental Verdict Form.)

(CONTINUED)

**SUPPLEMENTAL VERDICT FORM (cont'd)**

**Question 5:**

**Note:** Answer only if you answered "yes" to Question 4.

What damages do you award for:

\$ 25,000 Punitive damages

(After answering Question 5, please sign and date the Supplemental Verdict Form).

Dated this 29 day of November, 2006.

/s/  
Foreperson

/s/  
Juror

/s/  
Juror

/s/  
Juror

/s/  
Juror

/s/  
Juror

/s/  
Juror

/s/  
Juror