

FILED  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF IOWA

2002 OCT -2 PM 1:23

SIoux CITY DIV. OFFICE

BY \_\_\_\_\_

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
WESTERN DIVISION**

RITA LYNN BAKER,

Plaintiff,

vs.

JOHN MORRELL & CO.,

Defendant.

No. C 01-4003-MWB

**VERDICT FORM**

**PART I: LIABILITY**

On the claims of plaintiff Rita Baker, we, the Jury, find as follows:

<b>SEXUAL HARASSMENT</b>		<b>VERDICT</b>
<b>Step 1: Liability</b>	On the claim of sexual harassment, as explained in Final Jury Instruction No. 3, in whose favor do you find?	<input checked="" type="checkbox"/> Ms. Baker <input type="checkbox"/> John Morrell
<b>Step 2: Constructive Discharge</b>	<i>If you found in favor of Ms. Baker on this claim, do you find that she was constructively discharged by the wrongful conduct at issue on this claim, as constructive discharge is explained in Final Jury Instruction No. 7? (Remember, you cannot award certain damages on this claim unless you find that Ms. Baker was constructively discharged by the wrongful conduct at issue on this claim.)</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

RETALIATION		VERDICT
<b>Step 1: Liability</b>	<b>(a) Proof of elements.</b> Has Ms. Baker proved all of the elements of her claim of retaliation for opposing sexual harassment, as explained in Final Jury Instruction No. 5? <i>(Unless Ms. Baker has proved all of the elements of her retaliation claim, you must enter your verdict at step 1(c) in favor of John Morrell.)</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	<b>(b) Proof of defense.</b> Has John Morrell proved its "same decision" defense? <i>(If John Morrell has proved its "same decision" defense, your verdict must be in favor of John Morrell.)</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	<b>(c) Verdict.</b> On the claim of retaliation, as explained in Final Jury Instruction No. 5, in whose favor do you find? <i>(Your verdict will be for Ms. Baker if she has proved all of the elements of her claim and John Morrell has failed to prove its "same decision" defense; otherwise, your verdict must be for John Morrell on this claim.)</i>	<input checked="" type="checkbox"/> Ms. Baker <input type="checkbox"/> John Morrell
<b>Step 2: Constructive Discharge</b>	<i>If you found in favor of Ms. Baker on this claim, do you find that she was constructively discharged by the wrongful conduct at issue on this claim, as constructive discharge is explained in Final Jury Instruction No. 7? (Remember, you cannot award certain damages on this claim unless you find that Ms. Baker was constructively discharged by the wrongful conduct at issue on this claim.)</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DISPARATE TREATMENT		VERDICT
<b>Step 1: Liability</b>	On the claim of disparate treatment, as explained in Final Jury Instruction No. 6, in whose favor do you find?	<input type="checkbox"/> Ms. Baker <input checked="" type="checkbox"/> John Morrell
<b>Step 2: Constructive Discharge</b>	<i>If you found in favor of Ms. Baker on this claim, do you find that she was constructively discharged by the wrongful conduct at issue on this claim, as constructive discharge is explained in Final Jury Instruction No. 7? (Remember, you cannot award certain damages on this claim unless Ms. Baker was constructively discharged by the wrongful conduct at issue on this claim.)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No

<p><b>Step 3: “Same Decision” Defense</b></p>	<p><i>If you found in favor of Ms. Baker on this claim, do you find that defendant John Morrell has proved by the greater weight of the evidence that it would have made the same decision about its actions towards Ms. Baker or the conditions of her employment regardless of her sex? (Remember, if John Morrell proves this defense, then you cannot award Rita Baker damages for disparate treatment, although she may be entitled to other relief that only the court can provide.)</i></p>	<p>_____ Yes _____ No</p>
---	--	-------------------------------

If you have found in favor of plaintiff Rita Baker on one or more of her claims, then continue with Part II of this Verdict Form to award damages on the claim or claims on which she has prevailed. However, if you found in favor of defendant John Morrell on *all* of Ms. Baker’s claims, do not complete Part II of this Verdict Form. Instead, sign the Verdict Form and notify the Court Security Officer that you have reached a verdict.

## PART II: DAMAGES

On the claim or claims on which plaintiff Rita Baker has prevailed, we, the Jury, award damages as follows:

<b>COMPENSATORY DAMAGES</b> <i>(Please see Final Jury Instruction No. 9.)</i>		<b>AMOUNT</b>	
<b>Step 1:</b> Emotional distress damages (a) for wrongful conduct	<b>Sexual harassment</b>	Past emotional distress	\$ <u>250,000<sup>00</sup></u>
		Future emotional distress	\$ <u>50,000<sup>00</sup></u>
	<b>Retaliation</b>	Past emotional distress	\$ <u>75,000<sup>00</sup></u>
		Future emotional distress	\$ <u>10,000<sup>00</sup></u>
	<b>Disparate treatment</b> <i>(Award no damages if John Morrell has proved its "same decision" defense.)</i>	Past emotional distress	<del>\$ _____</del>
		Future emotional distress	<del>\$ _____</del>
(b) for constructive discharge	<b>Constructive discharge</b>	Past emotional distress	\$ <u>150,000<sup>00</sup></u>
		Future emotional distress	\$ <u>200,000<sup>00</sup></u>
<b>Step 2:</b> Medical expenses	<b>Sexual harassment</b>	Past medical expenses	\$ <u>14,470<sup>24</sup></u>
		Future medical expenses	\$ <u>90,000<sup>00</sup></u>
	<b>Retaliation</b>	Past medical expenses	\$ <u>0</u>
		Future medical expenses	\$ <u>0</u>
	<b>Disparate treatment</b> <i>(Award no damages if John Morrell has proved its "same decision" defense.)</i>	Past medical expenses	<del>\$ _____</del>
		Future medical expenses	<del>\$ _____</del>
<b>Step 3:</b> <b>Backpay</b>	Remember: You may only award backpay if you find in favor of the plaintiff on one or more of her claims, and that the wrongful conduct at issue on that claim or those claims proximately caused the plaintiff's constructive discharge. However, the plaintiff is only entitled to one award of backpay, even if she prevails on more than one of her claims.		\$ <u>33,314<sup>73</sup></u>
<b>NOMINAL DAMAGES</b> <i>(Nominal damages may be awarded instead of compensatory damages, as explained in Final Jury Instruction No. 10.)</i>		<b>AMOUNT</b>	
Nominal damages for "sexual harassment"		<del>\$ _____</del>	
Nominal damages for "retaliation"		<del>\$ _____</del>	
Nominal damages for "disparate treatment"		<del>\$ _____</del>	

<b>PUNITIVE DAMAGES</b> <i>(Please see Final Jury Instruction No. 11.)</i>	<b>AMOUNT</b>
What amount, if any, do you award as punitive damages for "sexual harassment"?	\$ <u>600,000<sup>00</sup></u>
What amount, if any, do you award as punitive damages for "retaliation"?	\$ <u>50,000<sup>00</sup></u>
What amount, if any, do you award as punitive damages for "disparate treatment"?	\$ <del>_____</del>