

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

MINDY GILSTER,
Plaintiff,

No. C 10-4084-MWB

vs.

PRIMEBANK, PRIMEBANK, INC.,
and JOSEPH STRUB,
Defendants.

VERDICT FORM

On the claims of plaintiff Mindy Gilster, we, the Jury, find as follows:

SECTION 1: SEXUAL HARASSMENT					
Step 1: Verdict	<p>On Ms. Gilster's claim of sexual harassment, as explained in Instruction No. 5, in whose favor do you find? <i>(If you find in favor of the defendants, do not answer any more questions in this section. Instead, skip to Section II of the Verdict Form on Ms. Gilster's retaliation claim. However, if you find in Ms. Gilster's favor, please continue with the remaining steps in this section of the Verdict Form.)</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; text-align: center; border: none;"><input checked="" type="checkbox"/> Ms. Gilster</td> <td style="width: 50%; text-align: center; border: none;"><input type="checkbox"/> The defendants</td> </tr> </table>	<input checked="" type="checkbox"/> Ms. Gilster	<input type="checkbox"/> The defendants		
<input checked="" type="checkbox"/> Ms. Gilster	<input type="checkbox"/> The defendants				
Step 2: Nature of Harassment	<p>If you answered "yes" in Step 1, has Ms. Gilster proved either or both of the alternatives for element <i>four</i>, as explained in Instruction No. 5? <i>(You may mark either or both of these alternatives.)</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><input checked="" type="checkbox"/> (a) The harassment resulted in a significant change in employment status</td> <td style="width: 50%; border: none;"></td> </tr> <tr> <td style="border: none;"><input checked="" type="checkbox"/> (b) The harassment was sufficiently severe or pervasive to create a hostile environment</td> <td style="border: none;"></td> </tr> </table>	<input checked="" type="checkbox"/> (a) The harassment resulted in a significant change in employment status		<input checked="" type="checkbox"/> (b) The harassment was sufficiently severe or pervasive to create a hostile environment	
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<input checked="" type="checkbox"/> (b) The harassment was sufficiently severe or pervasive to create a hostile environment					

Step 3: After- acquired Evidence	<p>Have the defendants proved that, even if Ms. Gilster had not been terminated on February 10, 2011, the defendants would have terminated her employment on September 1, 2011, because she had been forwarding e-mails to her attorneys from her work e-mail during work hours? <i>(Please see Instruction No. 9. Remember that, if you answer "yes," Ms. Gilster can only recover "backpay" and "medical expenses," if any, through September 1, 2011.)</i></p> <p style="text-align: center;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </p>
Step 4: Damages	<p>If you found in favor of Ms. Gilster on her sexual harassment claim in Step 1, what damages, if any, do you award for the following items? <i>(Please see Instruction No. 8, on "compensatory damages," and Instruction No. 10, on "punitive damages.")</i></p> <p>\$ <u>20,000</u> for past emotional distress</p> <p>\$ <u>60,000</u> for future emotional distress</p> <p>\$ <u>28,820¹²</u> for backpay from the date of discharge to the date of this verdict, if you answered "no" in Step 3, OR \$ _____ for backpay from the date of discharge to September 1, 2011, if you answered "yes" in Step 3.</p> <p>\$ <u>1,330⁴⁹</u> for past medical expenses from the date of discharge to the date of this verdict, if you answered "no" in Step 3, OR \$ _____ for past medical expenses from the date of discharge to September 1, 2011, if you answered "yes" in Step 3.</p> <p>\$ <u>200,000</u> for punitive damages against Primebank</p>
SECTION II: RETALIATION	
Step 1: Liability	<p>In whose favor do you find on Ms. Gilster's claim of retaliation? <i>(If you find in favor of both defendants, do not answer any more questions in this section. Instead, please notify the CSO that you have reached a verdict. However, if you find in Ms. Gilster's favor against either or both defendants, please continue with the remaining steps in this section of the Verdict Form.)</i></p> <p style="text-align: center;"> <input checked="" type="checkbox"/> Ms. Gilster or <input type="checkbox"/> Mr. Strub </p> <p style="text-align: center;"> <input checked="" type="checkbox"/> Ms. Gilster or <input type="checkbox"/> Primebank </p>

Step 2: After- acquired Evidence	Have the defendants proved that, even if Ms. Gilster had not been terminated on February 10, 2011, the defendants would have terminated her employment on September 1, 2011, because she had been forwarding e-mails to her attorneys from her work e-mail during work hours? <i>(Please see Instruction No. 9. Remember that, if you answer "yes," Ms. Gilster can only recover "backpay" or "medical expenses" through September 1, 2011.)</i>	
	___ Yes	_X_ No
Step 3: Damages	If you found in favor of Ms. Gilster on her retaliation claim against either Mr. Strub or Primebank (or both) in Step 1 , what damages, if any, do you award for the following items? <i>(Please see Instruction No. 8, on "compensatory damages," and Instruction No. 10, on "punitive damages.")</i>	
	\$ <u>20,000</u>	for past emotional distress
	\$ <u>140,000</u>	for future emotional distress
	\$ <u>28,820¹²</u>	for backpay from the date of discharge to the date of this verdict, if you answered "no" in Step 2 , OR
	\$ _____	for backpay from the date of discharge to September 1, 2011, if you answered "yes" in Step 2 .
	\$ <u>1330⁴⁹</u>	for past medical expenses from the date of discharge to the date of this verdict, if you answered "no" in Step 2 , OR
	\$ _____	for past medical expenses from the date of discharge to September 1, 2011, if you answered "yes" in Step 2 .
\$ <u>400,000</u>	for punitive damages against Primebank	