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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Carrie Ferrara Clark,
Plaintiff,
v.
City of Tucson, et al.,
Defendant.

No. CV-14-02543-TUC-CKJ
FORM OF VERDICT

A. VERDICT FORM: Title VII Disparate Treatment

Has Plaintiff proved by a preponderance of the evidence that the Defendant, City of Tucson, took any of the following actions against her for the sole purpose of discriminating against her because of or on the basis of pregnancy, childbirth, or related medical conditions (including breast feeding) when it:

1. Treated Plaintiff differently than male employees by failing to use Management Rights when assigning Plaintiff to fire stations between January 1, 2013, and March 26, 2013, that did not have a space which complied with federal law for expressing breast milk?

Yes No

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2. Required Plaintiff to meet, at fire department headquarters, with three male managers, who asked her inappropriate questions on November 13, 2012??

Yes No

3. Singled out Plaintiff to perform firefighting drills on May 22, 2014?

Yes No

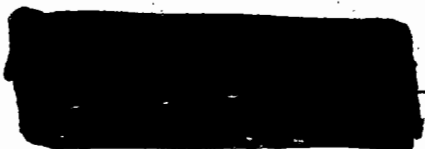
4. Targeted Plaintiff for excessive inspections by checking the fit of her turnouts on May 29, 2014?

Yes No

If your answer to any one of Questions No. 1 through 4 is "YES," proceed to the next questions. If your answer to all of Questions No. 1 through 4 is "NO," do not respond to any other questions in Part A of this verdict form.

5. Having found in favor of Plaintiff as to one or more of her claims against Defendant, we the jury award her the following amount in compensatory damages.

Compensatory damages: \$ 50,000⁰⁰



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B. VERDICT FORM: Title VII Retaliation

1. Did Plaintiff engage in a protected activity, that is, asserting her rights or filing a discrimination complaint?

Yes No

If your answer to Question No. 1 is "YES," proceed to Question No. 2. If your answer is "NO," do not respond to any other questions in Part B of this verdict form.

2. For each alleged adverse action below, please answer YES or NO:

a. Did Defendant subject Plaintiff to an adverse employment action when it disciplined her for her conduct during the March 20, 2013, telephone call with Assistant Chief Fischback, Deputy Chief Rodriguez, and Human Resources Manager JoAnn Acosta?

Yes No

b. Did Defendant subject Plaintiff to an adverse employment action when it deprived Plaintiff of 3 hours of vacation time on June 19, 2014?

Yes No

c. Did Defendant subject Plaintiff to an adverse employment action when it precluded Plaintiff from a 6:00 a.m. start time while on light duty from June 19, 2014, through August 24, 2014?

Yes No

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d. Did Defendant subject Plaintiff to an adverse employment action when it restricted her to exercising at only headquarters while on light duty from June 19, 2014, through August 24, 2014?

Yes No

e. Did Defendant subject Plaintiff to an adverse employment action when it required her to obtain a doctor's note on June 19, 2014, in order to exercise while she was on light duty from June 19, 2014, through August 24, 2014?

Yes No

f. Did Defendant subject Plaintiff to an adverse employment action when it gave her an Educational Counseling for her conduct during the May 22, 2014, drill(s)?

Yes No

g. Did Defendant subject Plaintiff to an adverse employment action when it gave her an Educational Counseling for not being in harmony with others on March 24, 2016?

Yes No

h. Did Defendant subject Plaintiff to an adverse employment action when it transferred her involuntarily from Fire Prevention into Operations effective May 1, 2016?

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Yes No

i. Did Defendant subject Plaintiff to an adverse employment action when it deprived her of seniority based on the retroactive application of the new Seniority Policy to May 1, 2016?

Yes No

j. Did Defendant subject Plaintiff to an adverse employment action when it deprived her of compensation for being deposed on May 25, 2016, October 27, 2016, January 10, 2017, and June 15, 2017?

Yes No

k. Did Defendant subject Plaintiff to an adverse employment action when it deprived her of Paramedic Specialty Pay for one pay period in the amount of \$69.23 for the pay period ending July 9, 2016?

Yes No

If your answer to any one of (a) through (k), is "YES," proceed to Question No. 3. If your answer to all of (a) through (k), are "NO," do not respond to any other questions in Part B of this verdict form.

3. Which, if any, of the following adverse employment actions was Plaintiff subjected to for the sole cause of retaliating against her for her participation in a protected activity?

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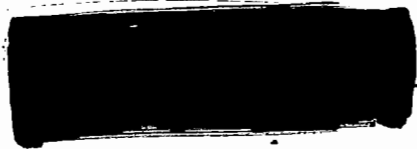
If your answer to Question No. 3 included a determination that any of actions (a) through (k) were the result of retaliation, proceed to Question No. 4. If your answer is "NO," do not respond to any other questions in Part D of this verdict form..

4. Having found in favor of Plaintiff as to one or more of her claims against

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Defendant, we the jury award her the following amount in compensatory damages.

Compensatory damages: \$ 1,850,000⁰⁰



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C. VERDICT FORM: Fair Labor Standards Act

Did the Defendant fail to provide Plaintiff with a place, other than a bathroom, shielded from view and free from intrusion from coworkers and the public, which she could use to express breast milk?

Yes No

If your answer is "YES," proceed to the next questions. If your answer is "NO," do not respond to any other questions in Part C of this verdict form.

Having found in favor of Plaintiff as to one or more of her claims against Defendant, we the jury award her the following amount in compensatory damages.

Compensatory damages: \$ 50,000⁰⁰



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D. VERDICT FORM: Fair Labor Standards Act Retaliation

1. Did Plaintiff oppose an unlawful employment practice, that is, Defendant's failure to provide a space to express her breast milk that complied with federal law

Yes No

If your answer to Question No. 1 is "YES," proceed to Question No. 2. If your answer is "NO," do not respond to any other questions in Part D of this verdict form.

2. For each alleged adverse action below, please answer YES or NO:

a. Did Defendant subject Plaintiff to an adverse employment action when it disciplined her for her conduct during the March 20, 2013, telephone call with Assistant Chief Fischback, Deputy Chief Rodriguez, and Human Resources Manager JoAnn Acosta?

Yes No

b. Did Defendant subject Plaintiff to an adverse employment action when it deprived Plaintiff of 3 hours of vacation time on June 19, 2014?

Yes No

c. Did Defendant subject Plaintiff to an adverse employment action when it precluded Plaintiff from a 6:00 a.m. start time while on light duty from June 19, 2014, through August 24, 2014?

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Yes No

d. Did Defendant subject Plaintiff to an adverse employment action when it restricted her to exercising at only headquarters while on light duty from June 19, 2014, through August 24, 2014?

Yes No

e. Did Defendant subject Plaintiff to an adverse employment action when it required her to obtain a doctor's note on June 19, 2014, in order to exercise while she was on light duty from June 19, 2014, through August 24, 2014?

Yes No

f. Did Defendant subject Plaintiff to an adverse employment action when it gave her an Educational Counseling for her conduct during the May 22, 2014, drill(s)?

Yes No

g. Did Defendant subject Plaintiff to an adverse employment action when it gave her an Educational Counseling for not being in harmony with others on March 24, 2016?

Yes No

h. Did Defendant subject Plaintiff to an adverse employment action when it transferred her involuntarily from Fire Prevention into Operations effective

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May 1, 2016?

Yes No

i. Did Defendant subject Plaintiff to an adverse employment action when it deprived her of seniority based on the retroactive application of the new Seniority Policy to May 1, 2016?

Yes No

j. Did Defendant subject Plaintiff to an adverse employment action when it deprived her of compensation for being deposed on May 25, 2016, October 27, 2016, January 10, 2017, and June 15, 2017?

Yes No

k. Did Defendant subject Plaintiff to an adverse employment action when it deprived her of Paramedic Specialty Pay for one pay period in the amount of \$69.23?

Yes No

If your answer to any one of (a) through (k), is "YES," proceed to Question No. 3. If your answers to all of (a) through (k), are "NO," do not respond to any other questions in Part D of this verdict form.

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3. Which, if any, of the following adverse employment actions was Plaintiff subjected to for the sole cause of retaliating against her for her participation in a protected activity?

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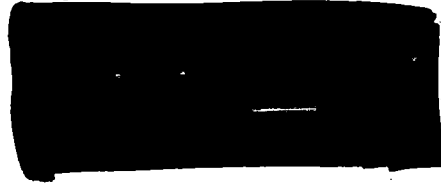
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If your answer to Question No. 3 included a determination that any of actions (a)

1 through (k) were the result of retaliation, proceed to Question No. 4. If your answer is
2 "NO," do not respond to any other questions in Part D of this verdict form.
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5 4. Having found in favor of Plaintiff as to one or more of her claims against
6 Defendant, we the jury award her the following amount in compensatory damages.
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8 Compensatory damages: \$ 1,850,000⁰⁰



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