

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martinez

Civil Action No. 16-cv-1727-WJM-STV

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff,

v.

WESTERN DISTRIBUTING COMPANY,

Defendant.

VERDICT FORM

We, the jury, upon our oaths, find and state as follows:

I. PATTERN OR PRACTICE CLAIMS

A. Claim 1: Failure to Accommodate

1. Do you find the EEOC proved Claim 1 by a preponderance of the evidence?

YES
 NO

If your answer to Question 1 is "Yes," then proceed to Question 2. If your answer is "No," then skip to Part I.B.

2. When do you find Western's pattern or practice of discrimination described in Claim 1 began? *(Your answer can be no earlier than January 1, 2008.)*

3. Do you find Western's pattern or practice of discrimination described in Claim 1 to be ongoing at the present time?

YES

NO

If your answer to Question 3 is "No," then proceed to Question 4. If your answer is "Yes," then skip to Question 5.

4. When do you find that Western's pattern or practice of discrimination described in Claim 1 ended?

Please proceed to Question 5.

5. Do you find the EEOC proved by a preponderance of the evidence that Western engaged in the pattern or practice of discrimination described in Claim 1 with malice or reckless indifference?

YES

NO

If your answer to Question 5 is "Yes," then proceed to Question 6. If your answer is "No," then skip to Part I.B.

6. What amount of punitive damages, if any, do you find should be assessed against Western with respect to Claim 1?

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B. Claim 2: Employment Opportunities

7. Do you find the EEOC proved Claim 2 by a preponderance of the evidence?

YES
 NO

If your answer to Question 7 is "Yes," then proceed to Question 8. If your answer is "No," then skip to Part II.

8. When do you find Western's pattern or practice of discrimination described in Claim 2 began? *(Your answer can be no earlier than January 1, 2008.)*

9. Do you find Western's pattern or practice of discrimination described in Claim 2 to be ongoing at the present time?

YES

NO

If your answer to Question 9 is "No," then proceed to Question 10. If your answer is "Yes," then skip to Question 11.

10. When do you find that Western's pattern or practice of discrimination described in Claim 2 ended?

Please proceed to Question 11.

11. Do you find the EEOC proved by a preponderance of the evidence that Western engaged in the pattern or practice of discrimination described in Claim 2 with malice or reckless indifference?

YES

NO

If your answer to Question 11 is "Yes," then proceed to Question 12. If your answer is "No," then skip to Part II.

12. What amount of punitive damages, if any, do you find should be assessed against Western with respect to Claim 2?

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II. CLAIM 3: DISPARATE IMPACT

13. Do you find the EEOC proved Claim 3 by a preponderance of the evidence?

YES

NO

If your answer to Question 13 is "Yes," then proceed to Question 14. If your answer is "No," then proceed to the end of this Verdict Form.

14. Please list below which of the thirteen standards, criteria, or methods of administration you find the EEOC has proved with respect to Claim 3.

1, 6, 7

The Foreperson must sign and date this Verdict Form, and then give a note the Bailiff stating that you have reached a verdict, but do not give this Verdict Form to the Bailiff.

1/30/2023
DATE

1:45 pm
TIME