

United States District Court  
for the  
Southern District of Florida

Equal Employment Opportunity	)	
Commission, Plaintiff,	)	
	)	
&	)	
	)	
Louise Davidson-Schmich,	)	Civil Action No. 19-23131-Civ-
Plaintiff Intervenor,	)	Scola
	)	
v.	)	
	)	
University of Miami, Defendant.	)	

**Verdict Form**

**COUNT I: EQUAL PAY ACT CLAIM**

**Do you find from a preponderance of the evidence:**

1. That Dr. Davidson-Schmich and Dr. Koger have been employed by the University of Miami in jobs requiring substantially equal skill, effort and responsibility?

Answer Yes or No: YES

[IF YOUR ANSWER IS "NO," THIS ENDS YOUR DELIBERATIONS AS TO COUNT I (EQUAL PAY ACT CLAIM), AND YOU SHOULD GO TO QUESTION 7.  
IF YOUR ANSWER IS "YES," GO TO THE NEXT QUESTION.]

2. That the two jobs are performed under similar working conditions?

Answer Yes or No: YES

[IF YOUR ANSWER IS "NO," THIS ENDS YOUR DELIBERATIONS AS TO COUNT I (EQUAL PAY ACT CLAIM), AND YOU SHOULD GO TO QUESTION 7.  
IF YOUR ANSWER IS "YES," GO TO THE NEXT QUESTION.]

3. That Dr. Davidson-Schmich was paid a lower wage than Dr. Koger for doing equal work?

Answer Yes or No: NO

[IF YOUR ANSWER IS "NO," THIS ENDS YOUR DELIBERATIONS AS TO COUNT I (EQUAL PAY ACT CLAIM), AND YOU SHOULD GO TO QUESTION 7. IF YOUR ANSWER IS "YES," GO TO THE NEXT QUESTION.]

4. That as to the affirmative defense upon which the University of Miami relies, sex played no part in the differential in pay between the Dr. Davidson-Schmich and Dr. Koger but was the result of one or more of the following factors: market forces, experience, reputation, impact in their respective fields and/or job performance?

Answer Yes or No: \_\_\_\_\_

[IF YOUR ANSWER IS "YES," THIS ENDS YOUR DELIBERATIONS AS TO COUNT I (EQUAL PAY ACT CLAIM), AND YOU SHOULD GO TO QUESTION 7. IF YOUR ANSWER IS "NO," GO TO THE NEXT QUESTION.]

5. That the University of Miami either knew or showed reckless disregard for whether its conduct was prohibited by the Equal Pay Act?

Answer Yes or No: \_\_\_\_\_

[GO TO THE NEXT QUESTION.]

6. That Dr. Davidson-Schmich should be awarded damages for lost compensation?

Answer Yes or No: \_\_\_\_\_

If your answer is "Yes," in what amount? \$\_\_\_\_\_

**[GO TO THE NEXT QUESTION ON THE NEXT PAGE.]**

**COUNT II: TITLE VII CLAIM**

**Do you find from a preponderance of the evidence:**

7. That Dr. Davidson-Schmich's sex was a motivating factor that prompted the University of Miami to pay her less money than Dr. Koger?

Answer Yes or No: NO

[IF YOUR ANSWER IS "NO," THIS ENDS YOUR DELIBERATIONS, AND YOUR FOREPERSON SHOULD SIGN AND DATE THE LAST PAGE OF THIS VERDICT FORM. IF YOUR ANSWER IS "YES," GO TO THE NEXT QUESTION.]

8. That Dr. Davidson-Schmich should be awarded backpay to compensate for a net loss of wages and benefits to the date of your verdict?

Answer Yes or No: \_\_\_\_\_

If your answer is "Yes," in what amount? \$\_\_\_\_\_

9. That Dr. Davidson-Schmich should be awarded damages to compensate for emotional pain and mental anguish?

Answer Yes or No: \_\_\_\_\_

If your answer is "Yes," in what amount? \$\_\_\_\_\_

10. That the University of Miami acted with either malice or reckless indifference to Dr. Davidson-Schmich's federally protected rights under Title VII?

Answer Yes or No: \_\_\_\_\_

SO SAY WE ALL

Dated: March 11, 2022.

[Signature]  
Foreperson Signature

#2  
Foreperson Juror Number