

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF KERN

ROBERT PRATT,)	CASE NO. S-1500-CV-253264, AEW
)	{Lead Case}
Plaintiff,)	Consolidated with Case Nos.
)	S-1500-CV-259414
vs.)	S-1500-CV-261666
)	
CIT OF BAKERSFIELD, Et Al; and DOES 1)	
through 100, inclusive,)	SPECIAL VERDICT FORM
)	
Defendants.)	

We, the jury in the above entitled action, find the following Special Verdict on the following questions submitted to us:

EMPLOYMENT CLAIMS

Harassment

Question No. 1: Was ROBERT PRATT an employee of the CITY OF BAKERSFIELD?

 x Yes No

If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no further questions, and have the presiding juror sign and date this form.

Question No. 2: Was ROBERT PRATT subjected to unwanted harassing conduct because he was perceived to be a homosexual or was associated with a person who was believed to be a homosexual?

Yes No

If your answer to question 2 is yes, then answer question 3. If you answered no, skip to question 10 of this verdict form.

Question No. 3: Was the harassment severe or pervasive?

Yes No

If your answer to question 3 is yes, then answer question 4. If you answered no, skip to question 10 of this verdict form.

Question No. 4: Would a reasonable employee in ROBERT PRATT's circumstances have considered the work environment to be hostile or abusive?

Yes No

If your answer to question 4 is yes, then answer question 5. If you answered no, skip to question 10 of this verdict form.

Question No. 5: Did ROBERT PRATT consider the work environment to be hostile or abusive?

Yes No

If your answer to question 5 is yes, then answer question 6. If you answered no, skip to question 10 of this verdict form.

Question No. 6: Did JOHN WEBER participate in/assist/or encourage the harassing conduct?

Yes No

Answer the next question.

Question No. 7: Did THE CITY OF BAKERSFIELD or their supervisors or agents know or should they have known of the harassing conduct?

Yes No

Answer the next question.

Question No. 8: Did defendant THE CITY OF BAKERSFIELD or its agents fail to take immediate and appropriate corrective action?

Yes No

Answer the next question.

Question No. 9: Was the harassing conduct of either defendant a substantial factor in causing harm to ROBERT PRATT?

JOHN WEBER Yes No

CITY OF BAKERSFIELD Yes No

Answer the next question.

Retaliation/Discrimination

Question No. 10: Did ROBERT PRATT engage in a protected activity including reporting harassment to Human Resources or Management, filing DFEH claims or filing lawsuits?

Yes No

If your answer to question 10 is yes, then answer question 11. If you answered no but yes to at least one defendant in question 9, skip to question 14 . If you answered no to both defendants in question 9 and no to question 10, answer no further questions, and have the presiding juror sign and date this form.

Question No. 11: Did the CITY OF BAKERSFIELD undertake an adverse employment action against Plaintiff without cause?

Yes No

If your answer to question 11 is yes, then answer question 12. If you answered no but yes to at least one defendant in question 9, skip to question 14 . If you answered no to both defendants in question 9 and no to question 11, answer no further questions, and have the presiding juror sign and date this form.

Question No. 12: Was ROBERT PRATT's perceived sexual orientation OR protected activity, including complaining about harassment to Human Resources or Upper Management, filing DFEH claims or filing lawsuits a motivating reason for why the CITY OF BAKERSFIELD undertook and adverse employment action against ROBERT PRATT?

Yes No

If your answer to question 12 is yes, then answer question 13. If you answered no but yes to at least one defendant in question 9, skip to question 14. If you answered no as to both defendants in question 9 and no to question 12, answer no further questions, and have the presiding juror sign and date this form.

Question No. 13: Was the CITY OF BAKERSFIELD's conduct a substantial factor in causing harm to ROBERT PRATT?

Yes No

If your answer to question 13 is yes, then answer question 14. If you answered no but yes to at least one defendant in question 9, answer question 14. If you answered no as to both

defendants in question 9 and no to question 13, answer no further questions, and have the presiding juror sign and date this form.

Hostile Work Environment/ Retaliation / Discrimination Damages

Question No. 14: What are ROBERT PRATT's damages?

a. Economic Loss \$ _____

b. Past NonEconomic Loss,
Including Emotional Distress \$ _____

c. Future NonEconomic Loss,
Including Emotional Distress: \$ _____

TOTAL \$ _____

Answer the next question.

Question 15: What percentage of responsibility for ROBERT PRATT's damages listed in Question 14 do you assign to the following? Insert a percentage for JOHN WEBER only if he received a "yes" answer in question 9:

JOHN WEBER	<u>50</u> %
CITY OF BAKERSFIELD	<u>50</u> %
TOTAL	100%

Question No. 16: Has Robert Pratt proved by clear and convincing evidence that John Weber acted with malice, oppression or fraud?

 x Yes No

Signed: _____

Presiding Juror

Dated:

After the verdict form has been signed deliver this form to the bailiff.