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U.S. DISTRICT COURT OF FLORIDA
TAMPA, FLORIDA

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**)
)
 Plaintiff,)
)
 and DENA ZECHELLA,)
)
 Intervenor,)
 v.)
)
 OUTBACK STEAKHOUSE, INC.,)
)
 Defendant.)

CIVIL ACTION NO.

8:99-cv-2218-T-26MSS

*Jury
Verdict*
EQUAL PAY ACT

1. Do you find that Dena Zechella and a member or members of the opposite sex have been employed by the Defendant in jobs requiring equal skill, effort and responsibility, and which were performed under similar working conditions?

yes no

If your answer to Question 1 is "yes", then answer the next question.

1(a). Do you find that the factor of sex played any part in the difference in wages between Ms. Zechella and a member or members of the opposite sex doing equal work?

yes no

Title VII- Disparate Treatment- Wages

2. Do you find that Dena Zechella and a member or members of the opposite sex have been employed by Defendant in similar jobs?

yes no

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If your answer to Question 2 is "yes", then answer the next question.

- 2(a). Do you find that Ms. Zechella's sex was a motivating factor in Outback's decision to pay her less than a member or members of the opposite sex?

_____ yes no

Title VII- Unfavorable Transfer

3. Do you find that Outback subjected Dena Zechella to an unfavorable job transfer?

_____ yes no

If your answer to Question 3 is "yes", then answer the next question.

- 3(a). Do you find that Ms. Zechella's sex was a motivating factor in Outback's decision to transfer her?

_____ yes _____ no

Title VII- Disparate Treatment- Termination

4. Do you find that Ms. Zechella's sex was a motivating factor in Outback's decision to terminate her?

_____ yes no

Title VII- Disparate Treatment- Terms and Conditions

5. Do you find that Outback subjected Dena Zechella to less favorable terms and conditions of employment than males?

yes _____ no

If your answer to Question 5 is "yes", then answer the next question.

- 5(a). Do you find that Ms. Zechella's sex was a motivating factor in Outback subjecting her to less favorable terms and conditions of employment than males?

yes no

Title VII- Retaliation

6. Do you find that retaliation was a motivating factor in Outback's decision to terminate Dena Zechella?

yes no

Damages

If your answer to Question 1(a) is "yes," then answer the next question.

7. What is the difference in earnings between Dena Zechella and Steve Wilson that Ms. Zechella is entitled to because of Defendant's discriminatory conduct from September 30, 1997 through the date of Ms. Zechella's termination?

\$ 27,108.28

If your answer to Question 2(a) is "yes," then answer the next question.

8. What is the difference in earnings between Dena Zechella and Steve Wilson that Ms. Zechella is entitled to because of Defendant's discriminatory conduct from the date of Mr. Wilson's hire through the date of Ms. Zechella's termination?

\$ N/A

If your answer to Question 4 OR 6 is "yes," then answer the next question.

9. What amount of back pay is Dena Zechella entitled to because of Defendant's discriminatory conduct from the date of Ms. Zechella's termination through the date of trial?

\$ 36,894.61

If your answer to Question 2(a) OR 3(a) OR 4 OR 5(a) OR 6 is "yes," then answer the next - questions.

10. What amount of damages, if any, should Dena Zechella be awarded to compensate her for emotional pain, suffering, mental anguish, inconvenience, loss of enjoyment of life, or other non-pecuniary losses, caused by the discriminatory conduct?

\$ 50,000⁰⁰

11. Do you find that a higher management official (or officials) of the Defendant acted with malice or reckless indifference to the Plaintiff's federally protected rights?

yes no

If you answer to Question 11 is "yes," please answer the next three questions./

- 11(a) Please identify the official or officials that you find acted with malice or reckless indifference.

Steve Stanley, Jamie Butler, Kelly Braun

- 11(b) What is the appropriate amount of punitive damages, if any, that should be assessed against the Defendant for its conduct toward Dena Zechella?

\$ 3,100,000.00

- 11(c) Do you find that the Defendant made a good faith attempt to comply with the law by adopting policies and procedures designed to prohibit discrimination in the workplace?

yes no

SO SAY WE ALL THIS 18th DAY OF SEPTEMBER, 2001.

Laura Williams
FOREPERSON