

FILED

VERDICT FORM

SHERI CALVO

03 JUN 20 03:53  
MIDDLE DISTRICT COURT  
TAMPA, FLORIDA

8:99-cv-1371-T-17M

A. SEXUAL HARASSMENT

1. As to Rob Evans' conduct occurring prior to becoming an Assistant Manager on October 7, 1996, under the Court's instructions to you, do you find that Sheri Calvo has proven, by a preponderance of the evidence, that:

She was subjected to unwelcome harassment on the basis of her sex that was sufficiently severe or pervasive to create a hostile or abusive working environment and that Defendants knew or should have known about the harassment and failed to take prompt remedial action?

Answer Yes X No \_\_\_\_\_

If your answer to Question 1 was "Yes," you have found in favor of Sheri Calvo with respect to her claim of sexual harassment occurring prior to October 7, 1996. If your answer to Question 1 was "No," you have found in favor of Defendants with respect to this claim.

Proceed to Question 2.

2. As to Rob Evans' conduct as an Assistant Manager occurring subsequent to January 23, 1997, under the court's instructions to you, do you find that Sheri Calvo has proven, by a preponderance of the evidence, that:

She was subjected to unwelcome harassment on the basis of her sex that was sufficiently severe or pervasive to create a hostile or abusive working environment

Answer Yes X No \_\_\_\_\_

If your answer to Question No. 2 was "Yes," proceed to Question No. 3. If your answer to Question No. 2 was "No," proceed to Question No. 4, as instructed therein.

432

3. Under the circumstances of this case and the court's instructions to you, as to harassment occurring subsequent to January 23, 1997, do you find that Defendants have proven, by the preponderance of the evidence,

(a) That Defendants exercised reasonable care to prevent and correct any sexually harassing behavior in the workplace?

Answer Yes \_\_\_\_\_ No  X

(b) That Sheri Calvo unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise.

Answer Yes \_\_\_\_\_ No  X

**If your answer to Questions 3(a) and 3(b) were both "Yes," then you have found in favor of the Defendants with respect to Sheri Calvo's claim of sexual harassment occurring after January 23, 1997. If you responded "No" to either Question 3(a) or 3(b) then you have found in favor of Sheri Calvo with respect to this claim.**

**Proceed to Question 4.**

**B. RETALIATION**

4. Under the court's instructions to you, do you find that Sheri Calvo has proven, by the preponderance of the evidence, that:

(a) She reasonably complained to management in good faith about sexual harassment by Rob Evans or reasonably filed her EEOC charge in good faith?

Answer Yes  X  No \_\_\_\_\_

(b) That Defendants imposed upon her a serious and material change in the terms, conditions or privileges of her employment, as viewed by a reasonable person in the circumstances?

Answer Yes \_\_\_\_\_ No  X

(c) That her complaints and/or charge of discrimination were a substantial motivating cause that made a difference in the Defendants' decision to do so?

Answer Yes  No

If **all** of your answers to Question Nos. 4(a) –(c) were “Yes,” proceed to Question No. 5. If not, proceed to Question No. 6, as instructed therein.

5. Under the court's instructions to you, do you find that Defendants have proven, by the preponderance of the evidence, that Defendants would have imposed this/these change(s) in the terms, conditions, or privileges of Sheri Calvo’s employment for other reasons, even in the absence of consideration of her complaints and/or charge?

Answer Yes  No

If your answer to Question No. 5 is “Yes,” then you have found in favor of the Defendants with respect to Sheri Calvo’s claim of retaliation. If your answer to Question No. 5 was “No,” then you have found in favor of Sheri Calvo with respect to this claim.

Proceed to Question No. 6 only if you have found in favor of Sheri Calvo with respect to any of her claims of sexual harassment and/or retaliation. If you have not found in favor of Sheri Calvo with respect to any of her claims of sexual harassment or retaliation, proceed to the Questions for the next Claimant.

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C. **DAMAGES**

6. Under the court's instructions to you, do you find that Sheri Calvo has proven, by the preponderance of the evidence, that she should be awarded damages to compensate for humiliation, emotional pain, suffering, mental anguish and inconvenience?

Answer Yes  No

If your answer to Question 6 is “Yes”, then proceed to Question 7. If your answer to question 6 is “No”, then proceed to Question 8.

7. What amount of damages should Sheri Calvo be awarded to compensate her for the humiliation, emotional pain, suffering, mental anguish and inconvenience caused by the Defendants?

\$ 10,000 - Ten-thousand dollars

8. Under the court's instructions to you, do you find that, with respect to any sexual harassment of Sheri Calvo by Robert Evans, actions of Defendants' officials, above the General Manager level, justify an award of punitive damages?

Answer Yes X No     

9. Under the court's instructions to you, do you find that, with respect to any retaliation against Sheri Calvo by the Defendants, actions of Defendants' officials, above the General Manager level, justify an award of punitive damages?

Answer Yes      No X

**If your answer to Questions 8 and/or 9 is "Yes", then proceed to Question 10. If your answer to Questions 8 and 9 are both "No", then proceed to the Questions for the next Claimant.**

10. What is the appropriate amount of punitive damages that should be assessed against the Defendants for their conduct toward Sheri Calvo.

\$ 500,000 Five-hundred thousand dollars

**VERONICA FERЕК**

**A. SEXUAL HARASSMENT**

11. As to Rob Evans' conduct occurring prior to becoming an Assistant Manager on October 7, 1996, under the Court's instructions to you, do you find that Veronica Ferek has proven, by a preponderance of the evidence, that:

She was subjected to unwelcome harassment on the basis of her sex that was sufficiently severe or pervasive to create a hostile or abusive working environment and that Defendants knew or should have known about the harassment and failed to take prompt remedial action?

Answer Yes  X  No  \_\_\_\_\_

**If your answer to Question 11 was "Yes," you have found in favor of Veronica Ferek with respect to her claim of sexual harassment occurring prior to October 7, 1996. If your answer to Question 11 was "No," you have found in favor of Defendants with respect to this claim.**

**Proceed to Question 12.**

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12. As to Rob Evans' conduct as an Assistant Manager occurring subsequent to January 23, 1997, under the court's instructions to you, do you find that Veronica Ferek has proven, by a preponderance of the evidence, that:

She was subjected to unwelcome harassment on the basis of her sex that was sufficiently severe or pervasive to create a hostile or abusive working environment

Answer Yes  X  No  \_\_\_\_\_

**If your answer to Question No. 12 was "Yes," proceed to Question No. 13. If your answer to Question No. 12 was "No," proceed to Question No. 14, as instructed therein.**

13. Under the circumstances of this case and the court's instructions to you, as to harassment occurring subsequent to January 23, 1997, do you find that Defendants have proven, by the preponderance of the evidence,

(a) That Defendants exercised reasonable care to prevent and correct any sexually harassing behavior in the workplace?

Answer Yes \_\_\_\_\_ No  X

(b) That Veronica Ferek unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise.

Answer Yes \_\_\_\_\_ No  X

**If your answer to Questions 13(a) and 13(b) were both "Yes," then you have found in favor of the Defendants with respect to Veronica Ferek's claim of sexual harassment occurring after January 23, 1997. If you responded "No" to either Question 13(a) or 13(b) then you have found in favor of Veronica Ferek with respect to this claim.**

**Proceed to Question 14.**

**B. RETALIATION**

14. Under the court's instructions to you, do you find that Veronica Ferek has proven, by the preponderance of the evidence, that:

(a) She reasonably complained to management in good faith about sexual harassment by Rob Evans or reasonably filed her EEOC charge in good faith?

Answer Yes  X  No \_\_\_\_\_

(b) That Defendants imposed upon her a serious and material change in the terms, conditions or privileges of her employment, as viewed by a reasonable person in the circumstances?

Answer Yes  X  No \_\_\_\_\_

(c) That her complaints and/or charge of discrimination were a substantial motivating cause that made a difference in the Defendants' decision to do so?

Answer Yes \_\_\_\_\_ No  X

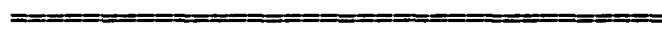
If **all** of your answers to Question Nos. 14(a) –(c) were “Yes,” proceed to Question No. 15. If not, proceed to Question No. 16, as instructed therein.

15. Under the court's instructions to you, do you find that Defendants have proven, by the preponderance of the evidence, that Defendants would have imposed this/these change(s) in the terms, conditions, or privileges of Veronica Ferek’s employment for other reasons, even in the absence of consideration of her complaints and/or charge?

Answer Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer to Question No. 15 is “Yes,” then you have found in favor of the Defendants with respect to Veronica Ferek’s claim of retaliation. If your answer to Question No. 15 was “No,” then you have found in favor of Veronica Ferek with respect to this claim.

Proceed to Question No. 16 only if you have found in favor of Veronica Ferek with respect to any of her claims of sexual harassment and/or retaliation. If you have not found in favor of Veronica Ferek with respect to any of her claims of sexual harassment or retaliation, proceed to the Questions for the next Claimant.



**C. DAMAGES**

16. Under the court's instructions to you, do you find that Veronica Ferek has proven, by the preponderance of the evidence, that she should be awarded damages to compensate for humiliation, emotional pain, suffering, mental anguish and inconvenience?

Answer Yes  X  No \_\_\_\_\_

If your answer to Question 16 is “Yes”, then proceed to Question 17. If your answer to question 16 is “No”, then proceed to Question 18.

17. What amount of damages should Veronica Ferek be awarded to compensate her for the humiliation, emotional pain, suffering, mental anguish and inconvenience caused by the Defendants?

\$ 10,000 — Ten-thousand dollars

18. Under the court's instructions to you, do you find that, with respect to any sexual harassment of Veronica Ferek by Robert Evans, actions of Defendants' officials, above the General Manager level, justify an award of punitive damages?

Answer Yes X No     

19. Under the court's instructions to you, do you find that, with respect to any retaliation against Veronica Ferek by the Defendants, actions of Defendants' officials, above the General Manager level, justify an award of punitive damages?

Answer Yes      No X

**If your answer to Questions 18 and/or 19 is "Yes", then proceed to Question 20. If your answer to Questions 18 and 19 are both "No", then proceed to the Questions for the next Claimant.**

20. What is the appropriate amount of punitive damages that should be assessed against the Defendants for their conduct toward Veronica Ferek.

\$ 500,000 Five-hundred thousand dollars



**RENE BROWN**

**A. SEXUAL HARASSMENT**

21. As to Rob Evans' conduct occurring prior to becoming an Assistant Manager on October 7, 1996, under the Court's instructions to you, do you find that Rene Brown has proven, by a preponderance of the evidence, that:

She was subjected to unwelcome harassment on the basis of her sex that was sufficiently severe or pervasive to create a hostile or abusive working environment and that Defendants knew or should have known about the harassment and failed to take prompt remedial action?

Answer Yes X No \_\_\_\_\_

**If your answer to Question 21 was "Yes," you have found in favor of Rene Brown with respect to her claim of sexual harassment occurring prior to October 7, 1996. If your answer to Question 21 was "No," you have found in favor of Defendants with respect to this claim.**

**Proceed to Question 22.**

22. As to Rob Evans' conduct as an Assistant Manager occurring subsequent to January 23, 1997, under the court's instructions to you, do you find that Rene Brown has proven, by a preponderance of the evidence, that:

She was subjected to unwelcome harassment on the basis of her sex that was sufficiently severe or pervasive to create a hostile or abusive working environment

Answer Yes X No \_\_\_\_\_

**If your answer to Question No. 22 was "Yes," proceed to Question No. 23. If your answer to Question No. 22 was "No," proceed to Question No. 24, as instructed therein.**

23. Under the circumstances of this case and the court's instructions to you, as to harassment occurring subsequent to January 23, 1997, do you find that Defendants have proven, by the preponderance of the evidence,

(a) That Defendants exercised reasonable care to prevent and correct any sexually harassing behavior in the workplace?

Answer Yes \_\_\_\_\_ No  X

(b) That Rene Brown unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise.

Answer Yes \_\_\_\_\_ No  X

**If your answer to Questions 23(a) and 23(b) were both "Yes," then you have found in favor of the Defendants with respect to Rene Brown's claim of sexual harassment occurring after January 23, 1997. If you responded "No" to either Question 23(a) or 23(b) then you have found in favor of Rene Brown with respect to this claim.**

**Proceed to Question No. 24 only if you have found in favor of Rene Brown with respect to her claims of sexual harassment occurring prior to October 7, 1996, or subsequent to January 23, 1997. If you have not found in favor of Rene Brown with respect to either of those claims, proceed to the Questions for the next Claimant.**

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**B. DAMAGES**

24. Under the court's instructions to you, do you find that Rene Brown has proven, by the preponderance of the evidence, that she should be awarded damages to compensate for humiliation, emotional pain, suffering, mental anguish and inconvenience?

Answer Yes  X  No \_\_\_\_\_

**If your answer to Question 24 is "Yes", then proceed to Question 25. If your answer to question 24 is "No", then proceed to Question 26.**

25. What amount of damages should Rene Brown be awarded to compensate her for the humiliation, emotional pain, suffering, mental anguish and inconvenience caused by the Defendants?

\$ 10,000 - Ten-thousand dollars

26. Under the court's instructions to you, do you find that, with respect to any sexual harassment of Rene Brown by Robert Evans, actions of Defendants' officials, above the General Manager level, justify an award of punitive damages?

Answer Yes X No \_\_\_\_\_

**If your answer to Question 26 was "Yes", then proceed to Question 27. If your answer to Question 26 is "No", then proceed to the Questions for the next Claimant.**

27. What is the appropriate amount of punitive damages that should be assessed against the Defendants for their conduct toward Rene Brown.

\$ 500,000 Five-hundred thousand dollars

**MELISSA SCARBOROUGH**

**A. SEXUAL HARASSMENT**

28. As to Rob Evans' conduct as an Assistant Manager occurring subsequent to January 23, 1997, under the court's instructions to you, do you find that Melissa Scarborough has proven, by a preponderance of the evidence, that:

She was subjected to unwelcome harassment on the basis of her sex that was sufficiently severe or pervasive to create a hostile or abusive working environment

Answer Yes  X  No  \_\_\_\_\_

**If your answer to Question No. 28 was "Yes," proceed to Question No. 29. If your answer to Question No. 28 was "No," you have found in favor of the Defendants with respect to Melissa Scarborough's claim of sexual harassment and you should proceed to the questions for the next Claimant.**

29. Under the circumstances of this case and the court's instructions to you, as to harassment occurring subsequent to January 23, 1997, do you find that Defendants have proven, by the preponderance of the evidence,

(a) That Defendants exercised reasonable care to prevent and correct any sexually harassing behavior in the workplace?

Answer Yes  \_\_\_\_\_  No  X

(b) That Melissa Scarborough unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise.

Answer Yes  \_\_\_\_\_  No  X

**If your answer to Questions 29(a) and 29(b) were both "Yes," then you have found in favor of the Defendants with respect to Melissa Scarborough's claim of sexual harassment occurring after January 23, 1997. If you responded "No" to either Question 29(a) or 29(b) then you have found in favor of Melissa Scarborough with respect to this claim.**

**Proceed to Question No. 30 only if you have found in favor of Melissa**

**Scarborough with respect to her claim of sexual harassment occurring subsequent to January 23, 1997. If you have not found in favor of Melissa Scarborough with respect to this claim, proceed to the Questions for the next Claimant.**

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**B. DAMAGES**

30. Under the court's instructions to you, do you find that Melissa Scarborough has proven, by the preponderance of the evidence, that she should be awarded damages to compensate for humiliation, emotional pain, suffering, mental anguish and inconvenience?

Answer      Yes      X        No          

**If your answer to Question 30 is "Yes", then proceed to Question 31. If your answer to question 30 is "No", then proceed to the questions for the next Claimant.**

31. What amount of damages should Melissa Scarborough be awarded to compensate her for the humiliation, emotional pain, suffering, mental anguish and inconvenience caused by the Defendants?

\$ 10,000 - Ten-thousand dollars

**LESLIE CUCINOTTA**

**A. SEXUAL HARASSMENT**

32. As to Rob Evans' conduct as an Assistant Manager occurring subsequent to January 23, 1997, under the court's instructions to you, do you find that Leslie Cuccinotta has proven, by a preponderance of the evidence, that:

She was subjected to unwelcome harassment on the basis of her sex that was sufficiently severe or pervasive to create a hostile or abusive working environment

Answer Yes  X  No  \_\_\_\_\_

**If your answer to Question No. 32 was "Yes," proceed to Question No. 33. If your answer to Question No. 32 was "No," then you have found in favor of the Defendants with respect to Leslie Cuccinotta's claim of sexual harassment and should proceed to the questions for Robert Evans.**

33. Under the circumstances of this case and the court's instructions to you, as to harassment occurring subsequent to January 23, 1997, do you find that Defendants have proven, by the preponderance of the evidence,

(a) That Defendants exercised reasonable care to prevent and correct any sexually harassing behavior in the workplace?

Answer Yes  \_\_\_\_\_  No  X

(b) That Leslie Cuccinotta unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise.

Answer Yes  \_\_\_\_\_  No  X

**If your answer to Questions 33(a) and 33(b) were both "Yes," then you have found in favor of the Defendants with respect to Leslie Cuccinotta's claim of sexual harassment occurring after January 23, 1997. If you responded "No" to either Question 33(a) or 33(b) then you have found in favor of Leslie Cuccinotta with respect to this claim.**

**Proceed to Question No. 34 only if you have found in favor of Leslie Cuccinotta with respect to her claim of sexual harassment occurring subsequent to January 23, 1997. If you have not found in favor of Leslie Cuccinotta with respect to this claim you should proceed to the questions for Robert Evans.**

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**B. DAMAGES**

34. Under the court's instructions to you, do you find that Leslie Cuccinotta has proven, by the preponderance of the evidence, that she should be awarded damages to compensate for humiliation, emotional pain, suffering, mental anguish and inconvenience?

Answer      Yes   X        No       

**If your answer to Question 34 is "Yes", then proceed to Question 35. If your answer to question 34 is "No", then proceed to the questions for Robert Evans.**

35. What amount of damages should Leslie Cuccinotta be awarded to compensate her for the humiliation, emotional pain, suffering, mental anguish and inconvenience caused by the Defendants?

\$ 10,000 - Ten-thousand dollars

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**ROBERT EVANS**

**As to the claim relating to Robert Evans, do you find from a preponderance of the evidence:**

1. (a) That Robert Evans breached his fiduciary duty with Defendants.

Answer    Yes      X      No          

(b) If "Yes," that Defendants have suffered loss as a proximate result of Robert Evans' failure to exercise diligence and good faith in matters relating to his employment with Defendants?

Answer    Yes      X      No          

(c) If "Yes," what is the amount of damage, if any, that should be assessed against Robert Evans?

Answer    ~~\_\_\_\_\_~~   \$50,000 - Fifty-thousand    
dollars

June 20<sup>th</sup>, 2003  
Date

*[Signature]*  
Bradford. R. Knapp  
Foreperson