

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

SPECIAL VERDICT FORM

01-CV-6329P

EVERDRY MARKETING AND  
MANAGEMENT, INC.,  
EVERDRY MANAGEMENT SERVICES,  
INC. a/k/a EVERDRY WATERPROOFING  
and EVERDRY OF ROCHESTER,

Defendants.

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In accordance with the Court's instructions, please answer the following questions concerning plaintiff EEOC's claims on behalf of each individual claimant against defendants Everdry Marketing and Management, Inc. and Everdry Management Services, Inc. The answers given for each question must be unanimous.

**CLAIMANT STEPHANIE DISTASIO**

As indicated, please answer Questions Nos. 1, 2, 3 and 6 separately for each of the defendants: Everdry Marketing and Management, Inc. (“EMM”) and Everdry Management Services, Inc. (“EMS”).

**Existence of Hostile Work Environment**

1. Do you find by a preponderance of the evidence that the defendant subjected claimant Stephanie DiStasio to a hostile or abusive work environment because of Ms. DiStasio’s sex or gender?

<b>EMM:</b>	YES <u>✓</u>	NO _____
<b>EMS:</b>	YES <u>✓</u>	NO _____

If you answered “YES” to question #1, as to **either** defendant EMM **or** EMS, please proceed to question #2. If you answered “NO” to question #1 as to **both** defendant EMM and defendant EMS, you need not consider this claimant any further, please proceed to consider the next claimant starting on page 8.

**Affirmative Defense Regarding Hostile Work Environment**

2. Do you find that the defendant has proven by a preponderance of the evidence that it exercised reasonable care to prevent and correct promptly any harassing behavior based upon sex or gender, and that claimant Stephanie DiStasio unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or otherwise failed to exercise reasonable care to avoid harm?

<b>EMM:</b>	YES _____	NO <input checked="" type="checkbox"/>
<b>EMS:</b>	YES _____	NO <input checked="" type="checkbox"/>

If you answered "YES" to question #2 as to **both** defendant EMM **and** defendant EMS, you need not consider this claimant any further, please proceed to consider the next claimant starting on page 8. If you answered "NO" to question #2 as to **either** defendant EMM **or** defendant EMS, please proceed to question #3.

**Constructive Discharge**

3. Do you find by a preponderance of the evidence that claimant Stephanie DiStasio was constructively discharged by the defendant because of her sex or gender?

<b>EMM:</b>	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
<b>EMS:</b>	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

If you answered "YES" to question #3 as to **either** defendant EMM **or** defendant EMS, please proceed to question #4. If you answered "NO" to question #3 as to **both** defendant EMM **and** defendant EMS, please proceed to question #5.

**Actual and Nominal Damages For Lost Wages (Relating to Constructive Discharge)**

4. If you answered "YES" to question #3 as to either defendant and find that claimant Stephanie DiStasio was constructively discharged, do you find that she is entitled to actual damages for a net loss of wages?

YES  \_\_\_\_\_ NO \_\_\_\_\_

If so, please indicate the dollar amount, not to exceed \$1,000, that should be awarded to compensate her for lost wages.

Remember: If you find that claimant Stephanie DiStasio was constructively discharged, but that she is not entitled to any actual damages for lost wages, you must indicate an award of nominal damages in the amount of one dollar (\$1.00).

\$ 1,000

Please proceed to question #5.

**Actual and Nominal Damages (Relating to Emotional Distress and Mental Anguish)**

5. If you answered "YES" to question #1 as to either defendant, do you find that claimant Stephanie DiStasio suffered any damages (other than any lost wages as reflected in question #4) that were proximately caused by the hostile work environment to which she was subjected?

YES ✓ NO \_\_\_\_\_

If so, please indicate the dollar amount of such damages:

Remember: If you find that claimant Stephanie DiStasio was subjected to a hostile or abusive work environment, but that she did not suffer any actual damages, you must indicate an award of nominal damages in the amount of one dollar (\$1.00).

\$ 31,500

Please proceed to question #6.

**Punitive Damages**

6. Based upon the instructions given by the Court, should punitive damages be awarded against the defendant as the result of claims brought on behalf of claimant Stephanie DiStasio?

EMM: YES ✓ NO \_\_\_\_\_  
EMS: YES ✓ NO \_\_\_\_\_

If so, please indicate the amount of punitive damages that should be awarded against the defendant.

EMM: \$ 16,000  
EMS: \$ 4,000

You are now finished with this claimant. Please proceed to consider the next claimant starting on page 8.

**CLAIMANT LORRAINE BACKUS**

As indicated, please answer Questions Nos. 7, 8 and 10 separately for each of the defendants: Everdry Marketing and Management, Inc. (“EMM”) and Everdry Management Services, Inc. (“EMS”).

**Existence of Hostile Work Environment**

7. Do you find by a preponderance of the evidence that the defendant subjected claimant Lorraine Backus to a hostile or abusive work environment because of Ms. Backus’s sex or gender?

<b>EMM:</b>	YES <u>✓</u>	NO _____
<b>EMS:</b>	YES <u>✓</u>	NO _____

If you answered “YES” to question #7, as to **either** defendant EMM **or** defendant EMS, please proceed to question #8. If you answered “NO” to question #7 as to **both** defendant EMM and defendant EMS, you need not consider this claimant any further, please proceed to consider the next claimant starting on page 12.



**Affirmative Defense Regarding Hostile Work Environment**

8. Do you find that the defendant has proven by a preponderance of the evidence that it exercised reasonable care to prevent and correct promptly any harassing behavior based upon sex or gender, and that claimant Lorraine Backus unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or otherwise failed to exercise reasonable care to avoid harm?

<b>EMM:</b>	YES _____	NO <input checked="" type="checkbox"/>
<b>EMS:</b>	YES _____	NO <input checked="" type="checkbox"/>

If you answered "YES" to question #8 as to **both** defendant EMM **and** defendant EMS, you need not consider this claimant any further, please proceed to consider the next claimant starting on page 12. If you answered "NO" to question #8 as to **either** defendant EMM **or** defendant EMS, please proceed to question #9.

**Actual or Nominal Damages**

9. If you answered "YES" to question #7 as to either defendant, do you find that claimant Lorraine Backus suffered damages that were proximately caused by the hostile work environment to which she was subjected?

YES  NO

If so, please indicate the dollar amount of such damages:

Remember: If you find that claimant Lorraine Backus was subjected to a hostile or abusive work environment, but that she did not suffer any actual damages, you must indicate an award of nominal damages in the amount of one dollar (\$1.00).

\$ 50,000

Please proceed to question #10.

**Punitive Damages**

10. Based upon the instructions given by the Court, should punitive damages be awarded against the defendant as the result of claims brought on behalf of claimant Lorraine Backus?

**EMM:** YES ✓ NO \_\_\_\_\_  
**EMS:** YES ✓ NO \_\_\_\_\_

If so, please indicate the amount of punitive damages that should be awarded against the defendant.

**EMM:** \$ 16,000  
**EMS:** \$ 4,000

You are now finished with this claimant. Please proceed to consider the next claimant starting on page 12.

**CLAIMANT JESSICA BUCKNER**

As indicated, please answer Questions Nos. 11, 12 and 14 separately for each of the defendants: Everdry Marketing and Management, Inc. (“EMM”) and Everdry Management Services, Inc. (“EMS”).

**Existence of Hostile Work Environment**

11. Do you find by a preponderance of the evidence that the defendant subjected claimant Jessica Buckner to a hostile or abusive work environment because of Ms. Buckner’s sex or gender?

<b>EMM:</b>	YES <u>  ✓  </u>	NO _____
<b>EMS:</b>	YES <u>  ✓  </u>	NO _____

If you answered “YES” to question #11, as to **either** defendant EMM **or** defendant EMS, please proceed to question #12. If you answered “NO” to question #11 as to **both** defendant EMM and defendant EMS, you need not consider this claimant any further, please proceed to consider the next claimant starting on page 16.

**Affirmative Defense Regarding Hostile Work Environment**

12. Do you find that the defendant has proven by a preponderance of the evidence that it exercised reasonable care to prevent and correct promptly any harassing behavior based upon sex or gender, and that claimant Jessica Buckner unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or otherwise failed to exercise reasonable care to avoid harm?

**EMM:** YES \_\_\_\_\_

NO

**EMS:** YES \_\_\_\_\_

NO

If you answered "YES" to question #12 as to **both** defendant EMM **and** defendant EMS, you need not consider this claimant any further, please proceed to consider the next claimant starting on page 16. If you answered "NO" to question #12 as to **either** defendant EMM or defendant EMS, please proceed to question #13.

**Actual or Nominal Damages**

13. If you answered "YES" to question #11 as to either defendant, do you find that claimant Jessica Buckner suffered damages that were proximately caused by the hostile work environment to which she was subjected?

YES ✓ NO \_\_\_\_\_

If so, please indicate the dollar amount of such damages:

Remember: If you find that claimant Jessica Buckner was subjected to a hostile or abusive work environment, but that she did not suffer any actual damages, you must indicate an award of nominal damages in the amount of one dollar (\$1.00).

\$ 29,250

Please proceed to question #14.

**Punitive Damages**

14. Based upon the instructions given by the Court, should punitive damages be awarded against the defendant as the result of claims brought on behalf of claimant Jessica Buckner?

EMM: YES ✓ NO \_\_\_\_\_  
EMS: YES ✓ NO \_\_\_\_\_

If so, please indicate the amount of punitive damages that should be awarded against the defendant.

EMM: \$ 16,000  
EMS: \$ 4,000

You are now finished with this claimant. Please proceed to consider the next claimant starting on page 16.

**CLAIMANT MELANIE BUCKNER**

As indicated, please answer Questions Nos. 15, 16 and 18 separately for each of the defendants: Everdry Marketing and Management, Inc. (“EMM”) and Everdry Management Services, Inc. (“EMS”).

**Existence of Hostile Work Environment**

15. Do you find by a preponderance of the evidence that the defendant subjected claimant Melanie Buckner to a hostile or abusive work environment because of Ms. Buckner’s sex or gender?

<b>EMM:</b>	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
<b>EMS:</b>	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

If you answered “YES” to question #15, as to **either** defendant EMM **or** defendant EMS, please proceed to question #16. If you answered “NO” to question #15 as to **both** defendant EMM and defendant EMS, you need not consider this claimant any further, please proceed to consider the next claimant starting on page 20.



**Affirmative Defense Regarding Hostile Work Environment**

16. Do you find that the defendant has proven by a preponderance of the evidence that it exercised reasonable care to prevent and correct promptly any harassing behavior based upon sex or gender, and that claimant Melanie Buckner unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or otherwise failed to exercise reasonable care to avoid harm?

EMM: YES \_\_\_\_\_

NO ✓

EMS: YES \_\_\_\_\_

NO ✓

If you answered "YES" to question #16 as to **both** defendant EMM **and** defendant EMS, you need not consider this claimant any further, please proceed to consider the next claimant starting on page 20. If you answered "NO" to question #16 as to **either** defendant EMM **or** defendant EMS, please proceed to question #17.

**Actual or Nominal Damages**

17. If you answered "YES" to question #15 as to either defendant, do you find that claimant Melanie Buckner suffered damages that were proximately caused by the hostile work environment to which she was subjected?

YES  NO

If so, please indicate the dollar amount of such damages:

Remember: If you find that claimant Melanie Buckner was subjected to a hostile or abusive work environment, but that she did not suffer any actual damages, you must indicate an award of nominal damages in the amount of one dollar (\$1.00).

\$ 22,500

Please proceed to question #18.

**Punitive Damages**

18. Based upon the instructions given by the Court, should punitive damages be awarded against the defendant as the result of claims brought on behalf of claimant Melanie Buckner?

EMM: YES ✓ NO \_\_\_\_\_  
EMS: YES ✓ NO \_\_\_\_\_

If so, please indicate the amount of punitive damages that should be awarded against the defendant.

EMM: \$ 16,000  
EMS: \$ 4,000

You are now finished with this claimant. Please proceed to consider the next claimant starting on page 20.

**CLAIMANT CATHERINE CLAUSS**

As indicated, please answer Questions Nos. 19, 20 and 22 separately for each of the defendants: Everdry Marketing and Management, Inc. (“EMM”) and Everdry Management Services, Inc. (“EMS”).

**Existence of Hostile Work Environment**

19. Do you find by a preponderance of the evidence that the defendant subjected claimant Catherine Clauss to a hostile or abusive work environment because of Ms. Clauss’s sex or gender?

<b>EMM:</b>	YES <u>      ✓      </u>	NO <u>                  </u>
<b>EMS:</b>	YES <u>      ✓      </u>	NO <u>                  </u>

If you answered “YES” to question #19, as to **either** defendant EMM **or** defendant EMS, please proceed to question #20. If you answered “NO” to question #19 as to **both** defendant EMM and defendant EMS, you need not consider this claimant any further, please proceed to consider the next claimant starting on page 24.

**Affirmative Defense Regarding Hostile Work Environment**

20. Do you find that the defendant has proven by a preponderance of the evidence that it exercised reasonable care to prevent and correct promptly any harassing behavior based upon sex or gender, and that claimant Catherine Clauss unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or otherwise failed to exercise reasonable care to avoid harm?

EMM: YES \_\_\_\_\_

NO

EMS: YES \_\_\_\_\_

NO

If you answered "YES" to question #20 as to **both** defendant EMM **and** defendant EMS, you need not consider this claimant any further, please proceed to consider the next claimant starting on page 24. If you answered "NO" to question #20 as to **either** defendant EMM **or** defendant EMS, please proceed to question #21.

**Actual or Nominal Damages**

21. If you answered "YES" to question #19 as to either defendant, do you find that claimant Catherine Clauss suffered damages that were proximately caused by the hostile work environment to which she was subjected?

YES ✓ NO \_\_\_\_\_

If so, please indicate the dollar amount of such damages:

Remember: If you find that claimant Catherine Clauss was subjected to a hostile or abusive work environment, but that she did not suffer any actual damages, you must indicate an award of nominal damages in the amount of one dollar (\$1.00).

\$ 9,000

Please proceed to question #22.

**Punitive Damages**

22. Based upon the instructions given by the Court, should punitive damages be awarded against the defendant as the result of claims brought on behalf of claimant Catherine Clauss?

EMM: YES ✓ NO \_\_\_\_\_  
EMS: YES ✓ NO \_\_\_\_\_

If so, please indicate the amount of punitive damages that should be awarded against the defendant.

EMM: \$ 16,000  
EMS: \$ 4,000

You are now finished with this claimant. Please proceed to consider the next claimant starting on page 24.

**CLAIMANT LILL COCILOVA**

As indicated, please answer Questions Nos. 23, 24 and 26 separately for each of the defendants: Everdry Marketing and Management, Inc. (“EMM”) and Everdry Management Services, Inc. (“EMS”).

**Existence of Hostile Work Environment**

23. Do you find by a preponderance of the evidence that the defendant subjected claimant Lill Cocilova to a hostile or abusive work environment because of Ms. Cocilova’s sex or gender?

<b>EMM:</b>	YES <u>  ✓  </u>	NO <u>          </u>
<b>EMS:</b>	YES <u>  ✓  </u>	NO <u>          </u>

If you answered “YES” to question #23, as to **either** defendant EMM **or** defendant EMS, please proceed to question #24. If you answered “NO” to question #23 as to **both** defendant EMM and defendant EMS, you need not consider this claimant any further, please proceed to consider the next claimant starting on page 28.



**Affirmative Defense Regarding Hostile Work Environment**

24. Do you find that the defendant has proven by a preponderance of the evidence that it exercised reasonable care to prevent and correct promptly any harassing behavior based upon sex or gender, and that claimant Lill Cocilova unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or otherwise failed to exercise reasonable care to avoid harm?

EMM: YES \_\_\_\_\_

NO

EMS: YES \_\_\_\_\_

NO

If you answered "YES" to question #24 as to **both** defendant EMM **and** defendant EMS, you need not consider this claimant any further, please proceed to consider the next claimant starting on page 28. If you answered "NO" to question #24 as to **either** defendant EMM **or** defendant EMS, please proceed to question #25.

**Actual or Nominal Damages**

25. If you answered "YES" to question #23 as to either defendant, do you find that claimant Lill Cocilova suffered damages that were proximately caused by the hostile work environment to which she was subjected?

YES   ✓   NO           

If so, please indicate the dollar amount of such damages:

Remember: If you find that claimant Lill Cocilova was subjected to a hostile or abusive work environment, but that she did not suffer any actual damages, you must indicate an award of nominal damages in the amount of one dollar (\$1.00).

\$   22,500  

Please proceed to question #26.

**Punitive Damages**

26. Based upon the instructions given by the Court, should punitive damages be awarded against the defendant as the result of claims brought on behalf of claimant Lill Cocilova?

EMM: YES ✓ NO \_\_\_\_\_  
EMS: YES ✓ NO \_\_\_\_\_

If so, please indicate the amount of punitive damages that should be awarded against the defendant.

EMM: \$ 16,000  
EMS: \$ 4,000

You are now finished with this claimant. Please proceed to consider the next claimant starting on page 28.

**CLAIMANT DANIELLE DOTY**

As indicated, please answer Questions Nos. 27, 28 and 30 separately for each of the defendants: Everdry Marketing and Management, Inc. (“EMM”) and Everdry Management Services, Inc. (“EMS”).

**Existence of Hostile Work Environment**

27. Do you find by a preponderance of the evidence that the defendant subjected claimant Danielle Doty to a hostile or abusive work environment because of Ms. Doty’s sex or gender?

<b>EMM:</b>	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
<b>EMS:</b>	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

If you answered “YES” to question #27, as to **either** defendant EMM or defendant EMS, please proceed to question #28. If you answered “NO” to question #27 as to **both** defendant EMM and defendant EMS, you need not consider this claimant any further, please proceed to consider the next claimant starting on page 32.

**Affirmative Defense Regarding Hostile Work Environment**

28. Do you find that the defendant has proven by a preponderance of the evidence that it exercised reasonable care to prevent and correct promptly any harassing behavior based upon sex or gender, and that claimant Danielle Doty unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or otherwise failed to exercise reasonable care to avoid harm?

**EMM:** YES \_\_\_\_\_

NO

**EMS:** YES \_\_\_\_\_

NO

If you answered "YES" to question #28 as to **both** defendant EMM **and** defendant EMS, you need not consider this claimant any further, please proceed to consider the next claimant starting on page 32. If you answered "NO" to question #28 as to **either** defendant EMM **or** defendant EMS, please proceed to question #29.

**Actual or Nominal Damages**

29. If you answered "YES" to question #27 as to either defendant, do you find that claimant Danielle Doty suffered damages that were proximately caused by the hostile work environment to which she was subjected?

YES       ✓       NO                     

If so, please indicate the dollar amount of such damages:

Remember: If you find that claimant Danielle Doty was subjected to a hostile or abusive work environment, but that she did not suffer any actual damages, you must indicate an award of nominal damages in the amount of one dollar (\$1.00).

\$ 22,500

Please proceed to question #30.

**Punitive Damages**

30. Based upon the instructions given by the Court, should punitive damages be awarded against the defendant as the result of claims brought on behalf of claimant Danielle Doty?

EMM: YES ✓ NO \_\_\_\_\_  
EMS: YES ✓ NO \_\_\_\_\_

If so, please indicate the amount of punitive damages that should be awarded against the defendant.

EMM: \$ 16,000  
EMS: \$ 4,000

You are now finished with this claimant. Please proceed to consider the next claimant starting on page 32.

**CLAIMANT NANCY HOFFMEIER**

As indicated, please answer Questions Nos. 31, 32 and 34 separately for each of the defendants: Everdry Marketing and Management, Inc. (“EMM”) and Everdry Management Services, Inc. (“EMS”).

**Existence of Hostile Work Environment**

31. Do you find by a preponderance of the evidence that the defendant subjected claimant Nancy Hoffmeier to a hostile or abusive work environment because of Ms. Hoffmeier’s sex or gender?

EMM:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
EMS:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

If you answered “YES” to question #31, as to **either** defendant EMM **or** defendant EMS, please proceed to question #32. If you answered “NO” to question #31 as to **both** defendant EMM and defendant EMS, you need not consider this claimant any further, please proceed to consider the next claimant starting on page 36.



**Affirmative Defense Regarding Hostile Work Environment**

32. Do you find that the defendant has proven by a preponderance of the evidence that it exercised reasonable care to prevent and correct promptly any harassing behavior based upon sex or gender, and that claimant Nancy Hoffmeier unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or otherwise failed to exercise reasonable care to avoid harm?

EMM: YES \_\_\_\_\_

NO

EMS: YES \_\_\_\_\_

NO

If you answered "YES" to question #32 as to **both** defendant EMM **and** defendant EMS, you need not consider this claimant any further, please proceed to consider the next claimant starting on page 36. If you answered "NO" to question #32 as to **either** defendant EMM **or** defendant EMS, please proceed to question #33.

**Actual or Nominal Damages**

33. If you answered "YES" to question #31 as to either defendant, do you find that claimant Nancy Hoffmeier suffered damages that were proximately caused by the hostile work environment to which she was subjected?

YES ✓ NO \_\_\_\_\_

If so, please indicate the dollar amount of such damages:

Remember: If you find that claimant Nancy Hoffmeier was subjected to a hostile or abusive work environment, but that she did not suffer any actual damages, you must indicate an award of nominal damages in the amount of one dollar (\$1.00).

\$ 18,000

Please proceed to question #34.

**Punitive Damages**

34. Based upon the instructions given by the Court, should punitive damages be awarded against the defendant as the result of claims brought on behalf of claimant Nancy Hoffmeier?

**EMM:** YES ✓ NO \_\_\_\_\_  
**EMS:** YES ✓ NO \_\_\_\_\_

If so, please indicate the amount of punitive damages that should be awarded against the defendant.

**EMM:** \$ 16,000  
**EMS:** \$ 4,000

You are now finished with this claimant. Please proceed to consider the next claimant starting on page 36.

**CLAIMANT ASHLEY HOUGHTON**

As indicated, please answer Questions Nos. 35, 36 and 38 separately for each of the defendants: Everdry Marketing and Management, Inc. (“EMM”) and Everdry Management Services, Inc. (“EMS”).

**Existence of Hostile Work Environment**

35. Do you find by a preponderance of the evidence that the defendant subjected claimant Ashley Houghton to a hostile or abusive work environment because of Ms. Houghton’s sex or gender?

<b>EMM:</b>	YES <u>  ✓  </u>	NO _____
<b>EMS:</b>	YES <u>  ✓  </u>	NO _____

If you answered “YES” to question #35, as to **either** defendant EMM or defendant EMS, please proceed to question #36. If you answered “NO” to question #35 as to **both** defendant EMM and defendant EMS, you need not consider this claimant any further, please proceed to consider the next claimant starting on page 40.

**Affirmative Defense Regarding Hostile Work Environment**

36. Do you find that the defendant has proven by a preponderance of the evidence that it exercised reasonable care to prevent and correct promptly any harassing behavior based upon sex or gender, and that claimant Ashley Houghton unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or otherwise failed to exercise reasonable care to avoid harm?

<b>EMM:</b>	YES _____	NO <input checked="" type="checkbox"/>
<b>EMS:</b>	YES _____	NO <input checked="" type="checkbox"/>

If you answered "YES" to question #36 as to **both** defendant EMM **and** defendant EMS, you need not consider this claimant any further, please proceed to consider the next claimant starting on page 40. If you answered "NO" to question #36 as to **either** defendant EMM **or** defendant EMS, please proceed to question #37.

**Actual or Nominal Damages**

37. If you answered "YES" to question #35 as to either defendant, do you find that claimant Ashley Houghton suffered damages that were proximately caused by the hostile work environment to which she was subjected?

YES  NO

If so, please indicate the dollar amount of such damages:

Remember: If you find that claimant Ashley Houghton was subjected to a hostile or abusive work environment, but that she did not suffer any actual damages, you must indicate an award of nominal damages in the amount of one dollar (\$1.00).

\$ 9,000

Please proceed to question #38.

**Punitive Damages**

38. Based upon the instructions given by the Court, should punitive damages be awarded against the defendant as the result of claims brought on behalf of claimant Ashley Houghton?

EMM: YES ✓ NO \_\_\_\_\_  
EMS: YES ✓ NO \_\_\_\_\_

If so, please indicate the amount of punitive damages that should be awarded against the defendant.

EMM: \$ 16,000  
EMS: \$ 4,000

You are now finished with this claimant. Please proceed to consider the next claimant starting on page 40.

**CLAIMANT KYLEY O'BRIEN**

As indicated, please answer Questions Nos. 39, 40 and 42 separately for each of the defendants: Everdry Marketing and Management, Inc. ("EMM") and Everdry Management Services, Inc. ("EMS").

**Existence of Hostile Work Environment**

39. Do you find by a preponderance of the evidence that the defendant subjected claimant Kyley O'Brien to a hostile or abusive work environment because of Ms. O'Brien's sex or gender?

<b>EMM:</b>	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
<b>EMS:</b>	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

If you answered "YES" to question #39, as to **either** defendant EMM **or** defendant EMS, please proceed to question #40. If you answered "NO" to question #39 as to **both** defendant EMM and defendant EMS, you need not consider this claimant any further, please proceed to consider the next claimant starting on page 44.



**Affirmative Defense Regarding Hostile Work Environment**

40. Do you find that the defendant has proven by a preponderance of the evidence that it exercised reasonable care to prevent and correct promptly any harassing behavior based upon sex or gender, and that claimant Kyley O'Brien unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or otherwise failed to exercise reasonable care to avoid harm?

**EMM:** YES \_\_\_\_\_

NO

**EMS:** YES \_\_\_\_\_

NO

If you answered "YES" to question #40 as to **both** defendant EMM **and** defendant EMS, you need not consider this claimant any further, please proceed to consider the next claimant starting on page 44. If you answered "NO" to question #40 as to **either** defendant EMM **or** defendant EMS, please proceed to question #41.

**Actual or Nominal Damages**

41. If you answered "YES" to question #39 as to either defendant, do you find that claimant Kyley O'Brien suffered damages that were proximately caused by the hostile work environment to which she was subjected?

YES ✓ NO \_\_\_\_\_

If so, please indicate the dollar amount of such damages:

Remember: If you find that claimant Kyley O'Brien was subjected to a hostile or abusive work environment, but that she did not suffer any actual damages, you must indicate an award of nominal damages in the amount of one dollar (\$1.00).

\$ 4,500

Please proceed to question #42.

**Punitive Damages**

42. Based upon the instructions given by the Court, should punitive damages be awarded against the defendant as the result of claims brought on behalf of claimant Kyley O'Brien?

EMM: YES ✓ NO \_\_\_\_\_  
EMS: YES ✓ NO \_\_\_\_\_

If so, please indicate the amount of punitive damages that should be awarded against the defendant.

EMM: \$ 16,000  
EMS: \$ 4,000

You are now finished with this claimant. Please proceed to consider the next claimant starting on page 44.

**CLAIMANT MEGHANN POWELL**

As indicated, please answer Questions Nos. 43, 44 and 46 separately for each of the defendants: Everdry Marketing and Management, Inc. (“EMM”) and Everdry Management Services, Inc. (“EMS”).

**Existence of Hostile Work Environment**

43. Do you find by a preponderance of the evidence that the defendant subjected claimant Meghann Powell to a hostile or abusive work environment because of Ms. Powell’s sex or gender?

<b>EMM:</b>	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
<b>EMS:</b>	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

If you answered “YES” to question #43, as to **either** defendant EMM **or** defendant EMS, please proceed to question #44. If you answered “NO” to question #43 as to **both** defendant EMM and defendant EMS, you need not consider this claimant any further, please proceed to consider the next claimant starting on page 48.

**Affirmative Defense Regarding Hostile Work Environment**

44. Do you find that the defendant has proven by a preponderance of the evidence that it exercised reasonable care to prevent and correct promptly any harassing behavior based upon sex or gender, and that claimant Meghann Powell unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or otherwise failed to exercise reasonable care to avoid harm?

<b>EMM:</b>	YES _____	NO <input checked="" type="checkbox"/>
<b>EMS:</b>	YES _____	NO <input checked="" type="checkbox"/>

If you answered "YES" to question #44 as to **both** defendant EMM **and** defendant EMS, you need not consider this claimant any further, please proceed to consider the next claimant starting on page 48. If you answered "NO" to question #44 as to **either** defendant EMM **or** defendant EMS, please proceed to question #45.

**Actual or Nominal Damages**

45. If you answered "YES" to question #43 as to either defendant, do you find that claimant Meghann Powell suffered damages that were proximately caused by the hostile work environment to which she was subjected?

YES ✓ NO \_\_\_\_\_

If so, please indicate the dollar amount of such damages:

Remember: If you find that claimant Meghann Powell was subjected to a hostile or abusive work environment, but that she did not suffer any actual damages, you must indicate an award of nominal damages in the amount of one dollar (\$1.00).

\$ 4,500

Please proceed to question #46.

**Punitive Damages**

46. Based upon the instructions given by the Court, should punitive damages be awarded against the defendant as the result of claims brought on behalf of claimant Meghann Powell?

EMM: YES ✓ NO \_\_\_\_\_  
EMS: YES ✓ NO \_\_\_\_\_

If so, please indicate the amount of punitive damages that should be awarded against the defendant.

EMM: \$ 16,000  
EMS: \$ 4,000

You are now finished with this claimant. Please proceed to consider the next claimant starting on page 48.

**CLAIMANT ANNA STEVENSON**

As indicated, please answer Questions Nos. 47, 48 and 50 separately for each of the defendants: Everdry Marketing and Management, Inc. (“EMM”) and Everdry Management Services, Inc. (“EMS”).

**Existence of Hostile Work Environment**

47. Do you find by a preponderance of the evidence that the defendant subjected claimant Anna Stevenson to a hostile or abusive work environment because of Ms. Stevenson’s sex or gender?

EMM:	YES <u>✓</u>	NO _____
EMS:	YES <u>✓</u>	NO _____

If you answered “YES” to question #47, as to **either** defendant EMM or defendant EMS, please proceed to question #48. If you answered “NO” to question #47 as to **both** defendant EMM and defendant EMS, you need not consider this claimant any further, please proceed to consider the next claimant starting on page 52.



**Affirmative Defense Regarding Hostile Work Environment**

48. Do you find that the defendant has proven by a preponderance of the evidence that it exercised reasonable care to prevent and correct promptly any harassing behavior based upon sex or gender, and that claimant Anna Stevenson unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or otherwise failed to exercise reasonable care to avoid harm?

<b>EMM:</b>	YES _____	NO <input checked="" type="checkbox"/>
<b>EMS:</b>	YES _____	NO <input checked="" type="checkbox"/>

If you answered "YES" to question #48 as to **both** defendant EMM **and** defendant EMS, you need not consider this claimant any further, please proceed to consider the next claimant starting on page 52. If you answered "NO" to question #48 as to **either** defendant EMM **or** defendant EMS, please proceed to question #49.

**Actual or Nominal Damages**

49. If you answered "YES" to question #47 as to either defendant, do you find that claimant Anna Stevenson suffered damages that were proximately caused by the hostile work environment to which she was subjected?

YES ✓ NO \_\_\_\_\_

If so, please indicate the dollar amount of such damages:

Remember: If you find that claimant Anna Stevenson was subjected to a hostile or abusive work environment, but that she did not suffer any actual damages, you must indicate an award of nominal damages in the amount of one dollar (\$1.00).

\$ 59,500

Please proceed to question #50.

**Punitive Damages**

50. Based upon the instructions given by the Court, should punitive damages be awarded against the defendant as the result of claims brought on behalf of claimant Anna Stevenson?

**EMM:** YES ✓ NO \_\_\_\_\_  
**EMS:** YES ✓ NO \_\_\_\_\_

If so, please indicate the amount of punitive damages that should be awarded against the defendant.

**EMM:** \$ 16,000  
**EMS:** \$ 4,000

You are now finished with this claimant. Please proceed to consider the next claimant starting on page 52.

**CLAIMANT JENNIFER ZAZZARO**

As indicated, please answer Questions Nos. 51, 52 and 54 separately for each of the defendants: Everdry Marketing and Management, Inc. (“EMM”) and Everdry Management Services, Inc. (“EMS”).

**Existence of Hostile Work Environment**

51. Do you find by a preponderance of the evidence that the defendant subjected claimant Jennifer Zazzaro to a hostile or abusive work environment because of Ms. Zazzaro’s sex or gender?

<b>EMM:</b>	YES <u>  ✓  </u>	NO <u>          </u>
<b>EMS:</b>	YES <u>  ✓  </u>	NO <u>          </u>

If you answered “YES” to question #51, as to **either** defendant EMM **or** defendant EMS, please proceed to question #52. If you answered “NO” to question #51 as to **both** defendant EMM and defendant EMS, then you are finished. Please proceed to page 55 and the foreperson should sign and date the verdict form. Then report your verdict to the Court.

**Affirmative Defense Regarding Hostile Work Environment**

52. Do you find that the defendant has proven by a preponderance of the evidence that it exercised reasonable care to prevent and correct promptly any harassing behavior based upon sex or gender, and that claimant Jennifer Zazzaro unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or otherwise failed to exercise reasonable care to avoid harm?

EMM: YES \_\_\_\_\_

NO

EMS: YES \_\_\_\_\_

NO

If you answered "YES" to question #52 as to **both** defendant EMM **and** defendant EMS, then you are finished. Please proceed to page 55 and the foreperson should sign and date the verdict form. Then report your verdict to the Court. If you answered "NO" to question #52 as to **either** defendant EMM **or** defendant EMS, please proceed to question #53.

**Actual or Nominal Damages**

53. If you answered "YES" to question #51 as to either defendant, do you find that claimant Jennifer Zazzaro suffered damages that were proximately caused by the hostile work environment to which she was subjected?

YES   ✓   NO           

If so, please indicate the dollar amount of such damages:

Remember: If you find that claimant Jennifer Zazzaro was subjected to a hostile or abusive work environment, but that she did not suffer any actual damages, you must indicate an award of nominal damages in the amount of one dollar (\$1.00).

\$   31,500  

Please proceed to question #54.

**Punitive Damages**

54. Based upon the instructions given by the Court, should punitive damages be awarded against the defendant as the result of claims brought on behalf of claimant Jennifer Zazzaro?

EMM: YES ✓ NO \_\_\_\_\_  
EMS: YES ✓ NO \_\_\_\_\_

If so, please indicate the amount of punitive damages that should be awarded against the defendant.

EMM: \$ 16,000  
EMS: \$ 4,000

You are now finished. Please report your verdict to the Court.

Dated: October 27, 2006

s/Foreperson \_\_\_\_\_  
Foreperson