

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED

MAY 05 2000

[Signature]
CLERK

EQUAL EMPLOYMENT OPPORTUNITY *
COMMISSION (EEOC) *

CIV 98-4195

Plaintiff, *

and *
ELIZABETH FAWKES, *

VERDICT FORM

Intervenor Plaintiff, *

-vs- *

G & N ENTERPRISES, INC, *
(d/b/a Western Way Work Warehouse), *

Defendant. *

Note: Complete question no. 1 by writing in the name required by your verdict.

1. On the sexual harassment claim of plaintiffs EEOC and Elizabeth Fawkes, we find in favor of:

EEOC + FAWKES

(Plaintiffs EEOC and Fawkes)

or

(Defendant G&N Enterprises)

Note: Complete question no. 2 by writing in the name required by your verdict.

2. On the retaliation claim of plaintiffs EEOC and Elizabeth Fawkes we find in favor of:

EEOC + Fawkes

(Plaintiffs EEOC and Fawkes)

or

(Defendant G&N Enterprises)

Note: Complete all three parts of question no. 3 only if your finding on question no. 1 and/or question no. 2 is in favor of plaintiffs. If your finding in question no. 1 and question no. 2 is in favor of defendant, skip to question nos. 4 and 5.

3(A). We find Ms. Fawkes' lost wages to be:

\$ 5,202⁰⁰ (stating the amount or if none, write the word "none.")

3(B). We find Ms. Fawkes' other damages, excluding past lost wages, to be:

\$ 25,000⁰⁰ (stating the amount or if none, write the word "none.")

3(C). We find Ms. Fawkes' punitive damages on question no. 1 and/or question no. 2 to be:

\$ 75,000⁰⁰ (stating the amount or if none, write the word "none.")

Note: Complete question nos. 4 and 5 by writing in the name required by your verdict.

4. On the intentional infliction of emotional distress claim of plaintiff Elizabeth Fawkes, we find in favor of:

Fawkes

(Plaintiff Fawkes)

or

(Defendant G&N Enterprises)

5. On the battery claim of plaintiff Elizabeth Fawkes, we find in favor of:

Fawkes

(Plaintiff Fawkes)

or

(Defendant G&N Enterprises)

Note: Complete question no. 6 only if your finding on either question no. 4 or question no. 5 is in favor of plaintiff. If your finding on both question no. 4 and question no. 5 is in favor of defendant,

then have your foreperson sign and date this form because you have completed your deliberations on these claims.

6. We find plaintiff Elizabeth Fawkes' actual damages from the intentional infliction of emotional distress claim in question 4 and/or the battery claim in question 5 to be:

\$ \$25,000⁰⁰ (stating the amount or if none, write the word "none.")

7. We find plaintiff Elizabeth Fawkes' punitive damages from the intentional infliction of emotional distress claim in question 4 and/or the battery claim in question 5 to be:

\$ \$75,000⁰⁰ (stating the amount or if none, write the word "none.")

In summary, with no damages to be duplicated, we award damages to plaintiff Elizabeth Fawkes as follows:

1. For loss of wages and benefits: \$ \$5202⁰⁰ (stating the amount, or if none, write the word "none.")
2. For general damages: \$ \$50,000⁰⁰ (stating the amount, or if none, write the word "none.")
3. For punitive damages: \$ \$150,000⁰⁰ (stating the amount, or if none, write the word "none.")

Dated this 5 day of May, 2000.

Richard L. Hochman
Foreperson