

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

REBECCA LEIGH DEHART,

Plaintiff,

v.

STEVENS-HENAGER COLLEGE, INC.,

Defendant.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

STEVENS-HENAGER COLLEGE, INC.,

Defendant.

VERDICT FORM

Case No. 1:05-CV-00118

[consolidated with case no. 1:05-CV-00122]

We the jury impaneled in this case find the issues of liability and damages as follows:

EQUAL PAY ACT:

Plaintiff Rebecca DeHart:

1.1. Have Plaintiffs established by a preponderance of the evidence that Stevens-Henager violated the Equal Pay Act with respect to Plaintiff DeHart by paying her less than a male who was performing substantially equal work?

Yes No

(If your answer is Yes, proceed to Question 1.2. If your answer is No, proceed to Question 2.1 and do not answer Questions 1.2 through 1.4.)

1.2. If your answer to Question 1.1 was Yes, has Stevens-Henager established by a preponderance of the evidence that the difference in pay was the result of any factor other than the gender of Plaintiff DeHart?

Yes No

(If your answer is No, proceed to Question 1.3. If your answer is Yes, proceed to Question 2.1 and do not answer Questions 1.3 and 1.4.)

1.3. Have Plaintiffs established by a preponderance of the evidence that Stevens-Henager's conduct was willful?

_____ _____
Yes No

1.4. If you answered Yes to Question 1.3, you should award damages, if any, based on the wages Plaintiff DeHart earned from May 5, 2003 to January 27, 2004. If you answered No to Question 1.3, you should award damages based on the wages Plaintiff DeHart earned from September 22, 2003 to January 27, 2004. Based upon the foregoing, what sum will compensate Plaintiff DeHart for the difference between what she was paid and what the male comparator(s) was paid?

\$ _____

Jana Miller:

2.1. Have Plaintiffs established by a preponderance of the evidence that Stevens-Henager violated the Equal Pay Act with respect to Ms. Miller by paying her less than Mr. Young who was performing substantially equal work?

 ✓
Yes No

(If your answer is Yes, proceed to Question 2.2. If your answer is No, proceed to Question 3.1 and do not answer Questions 2.2 through 2.4.)

2.2. If your answer to Question 2.1 was Yes, has Stevens-Henager established by a preponderance of the evidence that the difference in pay was the result of any factor other than the gender of Ms. Miller?

Yes No

(If your answer is No, proceed to Question 2.3. If your answer is Yes, proceed to Question 3.1 and do not answer Questions 2.3 and 2.4.)

2.3. Have Plaintiffs established by a preponderance of the evidence that Stevens-Henager's conduct was willful?

Yes No

2.4. If you answered Yes to Question 2.3, you should award damages, if any, based on the wages Ms. Miller earned from September 28, 2002 to February 20, 2004. If you answered No to Question 2.3, you should award damages based on the wages Ms. Miller earned from September 28, 2003 to February 20, 2004. Based upon the foregoing, what sum will compensate Ms. Miller for the difference between what she was paid and what Mr. Young was paid?

\$ _____

Jennifer Morris:

3.1. Have Plaintiffs established by a preponderance of the evidence that Stevens-Henager violated the Equal Pay Act with respect to Ms. Morris by paying her less than a male who was performing substantially equal work?

 ✓
Yes No

(If your answer is Yes, proceed to Question 3.2. If your answer is No, proceed to Question 4.1 and do not answer Questions 3.2 through 3.4.)

3.2. If your answer to Question 3.1 was Yes, has Stevens-Henager established by a preponderance of the evidence that the difference in pay was the result of any factor other than the gender of Ms. Morris?

Yes

No

(If your answer is No, proceed to Question 3.3. If your answer is Yes, proceed to Question 4.1 and do not answer Questions 3.3 and 3.4.)

3.3. Have Plaintiffs established by a preponderance of the evidence that Stevens-Henager's conduct was willful?

Yes

No

3.4. If you answered Yes to Question 3.3, you should award damages, if any, based on the wages Ms. Morris earned from December 9, 2002 to November 30, 2003. If you answered No to Question 3.3, you should award damages based on the wages Ms. Morris earned from September 28, 2003 to November 30, 2003. Based upon the foregoing, what sum will compensate Ms. Morris for the difference between what she was paid and what the male comparator(s) was paid?

\$ _____

Stacy Nelson:

4.1. Have Plaintiffs established by a preponderance of the evidence that Stevens-Henager violated the Equal Pay Act with respect to Ms. Nelson by paying her less than Mr. Young who was performing substantially equal work?

✓

Yes

No

(If your answer is Yes, proceed to Question 4.2. If your answer is No, proceed to Question 5.1 and do not answer Questions 4.2 and 4.3.)

4.2. If your answer to Question 4.1 was Yes, has Stevens-Henager established by a preponderance of the evidence that the difference in pay was the result of any factor other than the gender of Ms. Nelson?

✓
Yes
No

(If your answer is No, proceed to Question 4.3. If your answer is Yes, proceed to Question 5.1 and do not answer Question 4.3.)

4.3. If you answered No to Question 4.2, you should award damages, if any, based on the wages Ms. Nelson earned from November 13, 2003 to October 26, 2004. Based upon the foregoing, what sum will compensate Ms. Nelson for the difference between what she was paid and what Mr. Young was paid?

\$ _____

TITLE VII WAGE DISCRIMINATION:

Plaintiff Rebecca DeHart

5.1. Have Plaintiffs established by a preponderance of the evidence that Stevens-Henager violated Title VII with respect to Plaintiff DeHart by paying her less than a male who was performing similar work and such pay disparity was the result of intentional discrimination?

 ✓
Yes No

(If your answer is Yes, proceed to Question 5.2. If your answer is No, proceed to Question 6.1 and do not answer Questions 5.2 and 5.3.)

5.2. If your answer to Question 5.1 was Yes, what sum will compensate Plaintiff DeHart for being paid less than the male comparator(s) for performing similar work from May 5, 2003 through December 31, 2004?

\$ _____

Note: If you have awarded damages in Question 1.4, do not deduct or "back out" those damages here.

5.3. If your answer to Question 5.1 was Yes, what sum is Plaintiff DeHart entitled to for compensatory damages for intentional wage discrimination, excluding lost wages and benefits from May 5, 2003 through December 31, 2004?

\$ _____

Jana Miller

6.1. Have Plaintiffs established by a preponderance of the evidence that Stevens-Henager violated Title VII with respect to Ms. Miller by paying her less than Mr. Young who was performing similar work and such pay disparity was the result of intentional discrimination?

 ✓
Yes No

(If your answer is Yes, proceed to Question 6.2. If your answer is No, proceed to Question 7.1 and do not answer Question 6.2.)

6.2. If your answer to Question 6.1 was Yes, what sum will compensate Ms. Miller for being paid less than Mr. Young for performing similar work?

\$ _____

Note: If you have awarded damages in Question 2.4, do not deduct or "back out" those damages here.

Jennifer Morris

7.1. Have Plaintiffs established by a preponderance of the evidence that Stevens-Henager violated Title VII with respect to Ms. Morris by paying her less than a male who was performing similar work and such pay disparity was the result of intentional discrimination?

 ✓
Yes No

(If your answer is Yes, proceed to Question 7.2. If your answer is No, proceed to Question 8.1 and do not answer Question 7.2.)

7.2. If your answer to Question 7.1 was Yes, what sum will compensate Ms. Morris for being paid less than the male comparator(s) for performing similar work?

\$ _____

Note: If you have awarded damages in Question 3.4, do not deduct or "back out" those damages here.

Stacy Nelson

8.1. Have Plaintiffs established by a preponderance of the evidence that Stevens-Henager violated Title VII with respect to Ms. Nelson by paying her less than Mr. Young who was performing similar work and such pay disparity was the result of intentional discrimination?

Yes No ✓

(If your answer is Yes, proceed to Question 8.2. If your answer is No, proceed to Question 9.1 and do not answer Question 8.2.)

8.2. If your answer to Question 8.1 was Yes, what sum will compensate Ms. Nelson for being paid less than Mr. Young for performing similar work?

\$ _____

Note: If you have awarded damages in Question 4.3, do not deduct or "back out" those damages here.

DISCRIMINATORY DISCHARGE CLAIMS:

Plaintiff DeHart

9.1. Have Plaintiffs established by a preponderance of the evidence that Stevens-Henager violated Title VII and/or the Equal Pay Act by retaliating against Plaintiff DeHart by discharging her for engaging in protected opposition to discrimination and that Plaintiff DeHart's opposition was a motivating factor in Stevens-Henager's decision to terminate her?

Yes No ✓

(If you answered Yes to Question 9.1, proceed to Question 9.2. If you answered No to Question 9.1, proceed to Question 10.1 and do not answer Questions 9.2 and 9.3.)

9.2. If your answer to Question 9.1 was Yes, has Stevens-Henager established by a preponderance of the evidence that its decision to terminate Plaintiff DeHart was also motivated by a lawful reason and that Stevens-Henager would have made the same decision to terminate Plaintiff DeHart even if she had not engaged in protected activity?

Yes No

(If your answer is No, proceed to Question 9.3. If your answer is Yes, proceed to Question 10.1 and do not answer Question 9.3)

9.3. If your answer to Question 9.2 was No, what sum will compensate Plaintiff DeHart for any actual damages she sustained as a direct result of Stevens-Henager's retaliatory discharge?

We assess Plaintiff DeHart's damages as follows:

- A. Lost wages and benefits from January 27, 2004 through December 31, 2004:
\$ _____ (stating the amount [or, if none, write the word "none"])
- B. Plaintiff DeHart's compensatory damages for retaliatory discharge, excluding lost wages and benefits from January 27, 2004 through December 31, 2004:
\$ _____ (stating the amount [or, if you find that Plaintiff DeHart's damages do not have a monetary value, write in the nominal amount of "\$1"])
- C. Amount Plaintiff DeHart did earn, or with the exercise of reasonable efforts, should have earned from the date January 27, 2004 through December 31, 2004:
\$ _____ (stating the amount [or, if none, write the word "none"])

Amount in A, plus amount in B, minus amount in C ($A + B - C =$): \$ _____

Jennifer Morris

10.1. Have Plaintiffs established by a preponderance of the evidence that Stevens-Henager violated Title VII and/or the Equal Pay Act by discharging Ms. Morris because of her gender and that gender was a motivating factor in Stevens-Henager's decision to discharge Ms. Morris?

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Yes No

(If your answer is Yes, proceed to Question 10.2. If your answer is No, do not answer Questions 10.2 and 10.3.)

10.2. If your answer to Question 10.1 was Yes, has Stevens-Henager established by a preponderance of the evidence that its decision to terminate Ms. Morris was also motivated by a lawful reason and that Stevens-Henager would have made the same decision to terminate Ms.

