

VERDICT SHEET

Section I: Retaliation

1. Do you find by a preponderance of the evidence that Plaintiff Andres Nieves made a complaint about discrimination based on race and/or ethnicity before September 2009?

Yes X No _____

VOTE X 8-0
_____ 7-1

If the answer to this question is "yes", you are to proceed to the next question. If the answer to this question is "no", proceed to Section II and a verdict for the defendant will be entered as to the retaliation claim.

2. Do you find that Plaintiff Andres Nieves has proven by a preponderance of the evidence that there were more than six fire captain positions vacant in September 2009?

Yes X No _____

VOTE X 8-0
_____ 7-1

If the answer to this question is "yes", you are to proceed to the next question. If the answer to this question is "no", proceed to Section II and a verdict for the defendant will be entered as to the retaliation claim.

3. Do you find that plaintiffs have proven by a preponderance of the evidence that the City of Camden had funding available to promote Andres Nieves in September 2009?

Yes X No _____

VOTE _____ 8-0
X 7-1

If the answer to this question is "yes", you are to proceed to the next question. If the answer to this question is "no", proceed to Section II and a verdict for the defendant will be entered as to the retaliation claim.

4. Do you find that Plaintiff Andres Nieves has proven that his complaints about discrimination played a role and made an actual difference in the defendant's decision not to promote him?

Yes X No _____

VOTE _____ 8-0
X 7-1

If the answer to this question is "yes", you are to proceed to the next question. If the answer to this question is "no", proceed to Section II and a verdict for the defendant will be entered as to the retaliation claim.

5. What amount of money, if any, would compensate Plaintiff Andres Nieves for the defendant's retaliatory conduct?

A) Past wage loss \$ 60,000 VOTE X 8-0
7-1
B) Future pension loss \$ 320,000 VOTE 8-0
X 7-1
C) Other compensatory losses due solely to the retaliation claim
\$ 0 VOTE 0 8-0
 7-1

Section II: Hostile Work Environment

1. Do you find by a preponderance of the evidence that the defendant's conduct occurred because of Plaintiff Andres Nieves' race?

Yes X No VOTE X 8-0
 7-1

If the answer to this question is "yes", you are to proceed to the next question. If the answer to this question is "no", a verdict for the defendant will be entered as to the hostile work environment claim.

2. Do you find by a preponderance of the evidence that the defendant's conduct was severe or pervasive enough to make a reasonable person believe that the working conditions were altered and that the working environment was intimidating, hostile or abusive?

Yes X No VOTE 8-0
X 7-1

If the answer to this question is "yes", you are to proceed to the next question. If the answer to this question is "no", a verdict for the defendant will be entered as to the hostile work environment claim.

3. What amount of money, if any, would compensate Plaintiff Andres Nieves solely for damages suffered as a result of the hostile work environment?

\$ 10,000 VOTE X 8-0
 7-1

DATE: _____

FOREPERSON

VERDICT SHEET

Section I: Retaliation

1. Do you find by a preponderance of the evidence that Plaintiff Samuel Munoz made a complaint about discrimination based on race and/or ethnicity before September 2009?

Yes No _____

VOTE 8-0
 7-1

If the answer to this question is "yes", you are to proceed to the next question. If the answer to this question is "no", proceed to Section II and a verdict for the defendant will be entered as to the retaliation claim.

2. Do you find that Plaintiff Samuel Munoz has proven by a preponderance of the evidence that there were more than six fire captain positions vacant in September 2009?

Yes No _____

VOTE 8-0
 7-1

If the answer to this question is "yes", you are to proceed to the next question. If the answer to this question is "no", proceed to Section II and a verdict for the defendant will be entered as to the retaliation claim.

3. Do you find that plaintiffs have proven by a preponderance of the evidence that the City of Camden had funding available to promote Samuel Munoz in September 2009?

Yes No _____

VOTE 8-0
 7-1

If the answer to this question is "yes", you are to proceed to the next question. If the answer to this question is "no", proceed to Section II and a verdict for the defendant will be entered as to the retaliation claim.

4. Do you find that Plaintiff Samuel Munoz has proven that his complaints about discrimination played a role and made an actual difference in the defendant's decision not to promote him?

Yes No _____

VOTE 8-0
 7-1

If the answer to this question is "yes", you are to proceed to the next question. If the answer to this question is "no", proceed to Section II and a verdict for the defendant will be entered as to the retaliation claim.

5. What amount of money, if any, would compensate Plaintiff Samuel Munoz for the defendant's retaliatory conduct?

- A) Past wage loss \$ 62,000 VOTE X 8-0
7-1
- B) Future wage loss \$ 0 VOTE X 8-0
7-1
- C) Other compensatory losses due solely to the retaliation claim
\$ 94,000 VOTE _____ 8-0
7-1

Section II: Hostile Work Environment

1. Do you find by a preponderance of the evidence that the defendant's conduct occurred because of Plaintiff Samuel Munoz' race?

Yes X No _____ VOTE X 8-0
7-1

If the answer to this question is "yes", you are to proceed to the next question. If the answer to this question is "no", a verdict for the defendant will be entered as to the hostile work environment claim.

2. Do you find by a preponderance of the evidence that the defendant's conduct was severe or pervasive enough to make a reasonable person believe that the working conditions were altered and that the working environment was intimidating, hostile or abusive?

Yes X No _____ VOTE _____ 8-0
7-1

If the answer to this question is "yes", you are to proceed to the next question. If the answer to this question is "no", a verdict for the defendant will be entered as to the hostile work environment claim.

3. What amount of money, if any, would compensate Plaintiff Samuel Munoz solely for the damages suffered as a result of the hostile work environment?

\$ 50,000 VOTE _____ 8-0
X 7-1

DATE _____

FOREPERSON