

1 ROBERTA L. STEELE, SBN 188198 (CA)  
2 MARCIA L. MITCHELL, SBN 18122 (WA)  
3 AMI SANGHVI, SBN 4407672 (NY)  
4 U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
5 San Francisco District Office  
6 450 Golden Gate Ave., 5<sup>th</sup> Floor West  
7 P.O. Box 36025  
8 San Francisco, CA 94102  
9 Telephone No. (415) 522-3071  
10 Fax No. (415) 522-3425  
11 [ami.sanghvi@eeoc.gov](mailto:ami.sanghvi@eeoc.gov)

12 DAMIEN A. LEE, SBN 430135 (WASH. D.C.)  
13 Seattle Field Office  
14 909 First Ave., Ste. 400  
15 Seattle, WA 98104  
16 Telephone No. (206) 220-6915  
17 Fax No. (206) 220-6911  
18 [damien.lee@eeoc.gov](mailto:damien.lee@eeoc.gov)

19 *Attorneys for Plaintiff EEOC*

20 DAVID MAREK, SBN 290686 (CA)  
21 THE MAREK LAW FIRM, INC.  
22 228 Hamilton Avenue  
23 Palo Alto, CA 94301  
24 Telephone No. (917) 721-5042  
25 [david@marekfirm.com](mailto:david@marekfirm.com)

26 *Attorney for Plaintiff-Intervenor Duane*

27 UNITED STATES DISTRICT COURT  
28 NORTHERN DISTRICT OF CALIFORNIA

U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff,

and

ADRIAN SCOTT DUANE,

Plaintiff Intervenor,

vs.

IXL Learning, Inc.,

Defendant.

Case No.: 3:17-cv-02979-VC

**PLAINTIFFS' PROPOSED VERDICT  
FORM**

1 Plaintiff Equal Employment Opportunity Commission (“EEOC”) and Plaintiff-Intervenor  
2 Adrian Scott Duane (“Duane”) hereby submit the following proposed verdict form.

3  
4 1. Did Mr. Duane engage in protected activity under Title VII when he accused IXL Learning, Inc.  
5 of discrimination in his December 30, 2014 Glassdoor.com post?

6 \_\_\_\_\_ Yes \_\_\_\_\_ No  
7

8 2. Did Mr. Duane engage in protected activity under the ADA when he accused IXL Learning, Inc.  
9 of discrimination in his December 30, 2014 Glassdoor.com post?

10  
11 \_\_\_\_\_ Yes \_\_\_\_\_ No  
12

13 If your answer to Question No. 1 and/or 2 is “Yes,” then proceed to Question No. 3.

14 3. Was Mr. Duane’s protected activity the “but for” cause for Defendant IXL Learning, Inc.  
15 terminating his employment on January 8, 2015?

16  
17 \_\_\_\_\_ Yes \_\_\_\_\_ No  
18

19 If your answers to Question Nos. 1 and 3 are both “Yes,” then proceed to Question Nos. 4, 5 and 6.

20  
21 If your answer to Question No. 1 is “No,” and your answer to Question Nos. 2 and 3 are both “Yes,”  
22 then proceed to Question No. 7.

23  
24 4. What amount of damages should be awarded to Mr. Duane for the following under Title VII?

25 (a) back pay: \$ \_\_\_\_\_  
26

27 (b) compensatory damages for mental and emotional pain and suffering,  
28

inconvenience, anxiety, mental anguish, humiliation, and/or loss of enjoyment of life:

\$ \_\_\_\_\_.

5. If your answer to Question Nos. 1 and 3 is "Yes," did Defendant terminate Mr. Duane's employment with malice or reckless indifference to Mr. Duane's federally protected rights under Title VII?

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

6. If your answer to Question No. 5 is "Yes," what amount of punitive damages should Defendant be assessed under Title VII?

\$ \_\_\_\_\_

If your answer to Question No. 1 is "No," and your answer to Question Nos. 2 and 3 is "Yes," then proceed to Question No. 7.

7. If your answer to Question Nos. 2 and 3 is "Yes," what amount of damages should be awarded to Mr. Duane for the following under the ADA:

back pay: \$ \_\_\_\_\_

**VERDICT FORM**

We, the jury in the above-entitled case, by answering the above questions consistent with the jury instructions issued to us in this case, hereby render this verdict.

Foreperson \_\_\_\_\_ Date \_\_\_\_\_

