

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff,

v.

IXL LEARNING, INC.,

Defendant.

Case No. [17-cv-02979-VC](#)

**COURT'S DRAFT VERDICT FORM**

After you have reached your verdict, please fill out this form. After you have completed the form, let the Courtroom Deputy know you have reached a verdict, without saying what that verdict is. The presiding juror should keep the form and bring it into the courtroom so that the judge may announce the verdict.

Question 1: Did the plaintiffs prove by a preponderance of the evidence that IXL retaliated against Duane in violation of the ADA?

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

Question 2: Did the plaintiffs prove by a preponderance of the evidence that IXL retaliated against Duane in violation of Title VII?

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

If you answered “no” to both these questions, please stop, sign the verdict form, and inform the Courtroom Deputy you have reached a verdict. If you answered “yes” to one or both of these questions, please continue.

Question 3: Did the plaintiffs prove by a preponderance of the evidence that Duane incurred damages as a result of unlawful retaliation?

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

Question 4: If the plaintiffs proved that Duane incurred damages as a result of unlawful retaliation, what amount of damages should Duane be awarded for past lost earnings and benefits?

Amount: \_\_\_\_\_

The remaining questions should be answered only if you responded “yes” to Question 2 – that is, only if you found that IXL violated Title VII. If you found that IXL violated the ADA but not Title VII, you should not answer these remaining questions, but instead sign the verdict form and inform the Courtroom Deputy that you’ve reached a verdict.

Question 5: What amount do you award Duane as non-economic damages for the Title VII violation?

Amount: \_\_\_\_\_

Question 6: Did the plaintiffs prove by a preponderance of the evidence that IXL’s conduct in violating Title VII was malicious, oppressive, or in reckless disregard of Mr. Duane’s rights?

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

Question 7: If you answered “yes” to the previous question, what amount do you award Duane in punitive damages for the Title VII violation?

Amount: \_\_\_\_\_

Dated:

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FOREPERSON