

This Document Is Presented Courtesy of



Workplace Champions Protecting Your Civil Rights®



Contact us:

1-202-331-2883

Or visit us online:

www.EmploymentLawGroup.com

The Employment Law Group, P.C., has reproduced this document from public records as an educational service to users of its Web site. With the exception of this cover page and any other work of its own authorship herein, for which it reserves all rights, The Employment Law Group disclaims all copyright interest in this public domain work. If you believe you hold a valid copyright on any material in this document and wish to assert your rights, please contact us at inquiry@EmploymentLawGroup.com.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FILED
Superior Court of California
County of Los Angeles

JUL 01 2015 ✓

Sherri R. Carter, Executive Officer/Clerk
By A. Barton Deputy
A. Barton

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

VERNON CRESWELL,
Plaintiff,
v.
CITY OF MONTEBELLO, and DOES 1
through 100, inclusive,
Defendants.

Case No. BC522038
SPECIAL VERDICT FORM
Judge: Hon. Elizabeth Allen White
Dept.: 48
Complaint Filed: September 23, 2013
Trial Date: June 16, 2015

07/06/2015

SPECIAL VERDICT FORM – RACIAL HARASSMENT

We, the Jury, answer the questions submitted to us as follows:

1. Was Vernon Creswell subjected to unwanted harassing conduct because of his race?

Yes No

If your answer to question 1 is yes, then answer question 2. If you answered no, answer no further questions on this Special Verdict Form, have the presiding juror sign and date this form, and proceed to the form entitled "Special Verdict Form – Racial Discrimination".

2. Did any of the unwanted harassing conduct occur before July 2, 2012?

Yes No

If your answer to question 2 is yes, then answer question 3. If your answer to question 2 is no, than proceed to question 4.

3. Was the unwanted harassing conduct that occurred before July 2, 2012 a continuing violation with the unwanted harassing conduct that occurred after July 2, 2012?

Yes No

If your answer to question 3 is no, then you may only consider unwanted harassing conduct that occurred after July 2, 2012. If your answer to question 3 is yes, then you may consider all unwanted harassing conduct. Please proceed to question 4.

4. Was the harassment that was based on his race severe or pervasive?

Yes No

If your answer to question 4 is yes, then answer question 5. If you answered no, answer no further questions on this Special Verdict Form, have the presiding juror sign and date this form, and proceed to the form entitled "Special Verdict Form – Racial Discrimination".

5. Would a reasonable person African-American person in Vernon Creswell's circumstances have considered the work environment to be hostile or abusive?

Yes No

If your answer to question 5 is yes, then answer question 6. If you answered no, answer no further questions on this Special Verdict Form, have the presiding juror sign and date this form, and proceed to the form entitled "Special Verdict Form – Racial Discrimination".

07/06/2011

1 6. Did Vernon Creswell consider the work environment to be hostile or abusive?

2 Yes ___ No

3 If your answer to question 6 is yes, then answer question 7. If you answered no, answer no
4 further questions on this Special Verdict Form, have the presiding juror sign and date this form,
5 and proceed to the form entitled "Special Verdict Form – Racial Discrimination".

6 7. Did a supervisor engage in harassing conduct?

7 Yes ___ No

8 If your answer to question 7 is yes, then answer question 8 and proceed to question 10. If
9 you answered no, than answer question 8.

10 8. If an employee of the City of Montebello other than a supervisor engaged in the harassing
11 conduct, did the City of Montebello or any of its supervisors know or should any of them have
12 known of the harassing conduct?

13 ___ Yes No

14 If your answer to question 8 is yes, then answer question 9. If you answered no to both
15 questions 7 and 8, answer no further questions on this Special Verdict Form, have the presiding
16 juror sign and date this form, and proceed to the form entitled "Special Verdict Form – Racial
17 Discrimination".

18 9. Did City of Montebello or its supervisors or agents fail to take immediate and appropriate
19 corrective action?

20 ___ Yes ___ No

21 10. Was the harassing conduct a substantial factor in causing harm to Vernon Creswell?

22 Yes ___ No

23 If your answer to question 10 is yes, than answer question 11. If you answered no, answer
24 no further questions on this Special Verdict Form, have the presiding juror sign and date this form,
25 and proceed to the form entitled "Special Verdict Form – Racial Discrimination".

26 ///

27 ///

28 ///

07/06/201

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

11. What are Vernon Creswell's damages for racial harassment, only?

a. Past noneconomic damages: \$ 375,000

b. Future noneconomic damages: \$ 375,000

Total \$ 750,000

After all verdict forms have been signed and dated, notify the court attendant that you are ready to present your verdicts in the courtroom.

07 / 06 / 201

SPECIAL VERDICT FORM – RACIAL DISCRIMINATION

We, the Jury, answer the questions submitted to us as follows:

1. Did City of Montebello subject Vernon Creswell to an adverse employment action?

Yes No

If your answer to question 1 is yes, then answer question 2. If you answered no, answer no further questions on this Special Verdict Form, have the presiding juror sign and date this form, and proceed to the form entitled "Special Verdict Form – Retaliation".

2. Did any of the adverse employment actions occur before July 2, 2012?

Yes No

If your answer to question 2 is yes, then answer question 3. If your answer to question 2 is no, than proceed to question 4.

3. Were the adverse employment actions that occurred before July 2, 2012 a continuing violation with the adverse employment actions that occurred after July 2, 2012?

Yes No

If your answer to question 3 is no, then you may only consider adverse employment actions that occurred after July 2, 2012. If your answer to question 3 is yes, then you may consider all adverse employment actions. Please proceed to question 4.

4. Was Vernon Creswell's race a substantial motivating reason for City of Montebello's adverse employment action?

Yes No

If your answer to question 4 is yes, then answer question 5. If you answered no, answer no further questions on this Special Verdict Form, have the presiding juror sign and date this form, and proceed to the form entitled "Special Verdict Form – Retaliation".

///
///
///
///
///

07/06/2011

1 5. Was City of Montebello's adverse employment action a substantial factor in causing harm
2 to Vernon Creswell?

3 Yes No

4 If your answer to question 5 is yes, then answer question 6. If you answered no, answer no
5 further questions on this Special Verdict Form, have the presiding juror sign and date this form,
6 and proceed to the form entitled "Special Verdict Form - Retaliation".

7 6. What are Vernon Creswell's damages for racial discrimination, only?

8 a. Past economic damages: \$ _____

9

10 b. Future economic damages: \$ _____

11

12 c. Past noneconomic damages: \$ _____

13

14 d. Future noneconomic damages: \$ _____

15

16 Total \$ _____

17

18 After all verdict forms have been signed and dated, notify the court attendant that you are
19 ready to present your verdicts in the courtroom.

20

21

22

23

24

25

26

27

28

07/06/201

SPECIAL VERDICT FORM – RETALIATION

We, the Jury, answer the questions submitted to us as follows:

1. Did Vernon Creswell complain about harassment and/or discrimination to City of Montebello and/or to a state or government agency?

Yes No

If your answer to question 1 is yes, then answer question 2. If you answered no, answer no further questions on this Special Verdict Form and have the presiding juror sign and date this form.

2. Did City of Montebello subject Vernon Creswell to an adverse employment action?

Yes No

If your answer to question 2 is yes, then answer question 3. If you answered no, answer no further questions on this Special Verdict Form and have the presiding juror sign and date this form.

3. Was Vernon Creswell's' complaint of harassment and/or discrimination a substantial motivating reason for City of Montebello's adverse employment action?

Yes No

If your answer to question 3 is yes, then answer question 4. If you answered no, answer no further questions on this Special Verdict Form and have the presiding juror sign and date this form.

4. Was City of Montebello's adverse employment action a substantial factor in causing harm to Vernon Creswell?

Yes No

If you answered yes to question 4, then answer question 5. If you answered no, answer no further questions on this Special Verdict Form and have the presiding juror sign and date this form.

///

///

///

07/06/2011

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

5. What are Vernon Creswell's damages for retaliation, only?

a. Past economic damages: \$ 0

b. Future economic damages: \$ 185,151

c. Past noneconomic damages: \$ 0

d. Future noneconomic damages: \$ 0

Total \$ 185,151

Signed: Todd Payne
Presiding Juror

Dated: July 1, 2015

After all verdict forms have been signed and dated, notify the court attendant that you are ready to present your verdicts in the courtroom.

07/06/2015