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**Superior Court of California**  
**County of Los Angeles**  
*Department 73*

HAROLD CARTER,

Plaintiff,

v.

FEDERAL EXPRESS CORPORATION,  
INC.,

Defendant.

Case No.: BC658923

SPECIAL VERDICT

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3. Was HAROLD CARTER able to perform the essential job duties of his position, or any vacant available position, with <sup>or w/o</sup> a reasonable accommodation for his spinal condition?

Yes  No  12-0

If your answer to Question 3 is "Yes," answer the next question. If your answer is "No," proceed to Question No. 7.

4. Did FEDERAL EXPRESS CORPORATION subject HAROLD CARTER to one or more adverse employment actions, such as discipline, discharge or requiring HAROLD CARTER to enter into a personal performance agreement, that affected a term, condition or privilege of his employment?

Yes  No  12-0

If your answer to Question 4 is "Yes," answer the next question. If your answer is "No," proceed to Question No. 7.

5. Was HAROLD CARTER's spinal condition a substantial motivating reason for one or more adverse employment actions?

Yes  No

~~10-2~~ 9-3  
1, 2, 3, 4, 5, 7, 8, 9, 12

If your answer to Question 5 is "Yes," answer the next question. If your answer is "No," proceed to Question No. 7.

6, 10, 11 Yes

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6. Was FEDERAL EXPRESS CORPORATION's conduct in engaging one or more adverse employment actions of discipline, discharge or requiring HAROLD CARTER to enter into a personal performance agreement, a substantial factor in causing harm to HAROLD CARTER?

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

Proceed to the next section.

**SECTION 2: FAILURE TO ENGAGE IN THE INTERACTIVE PROCESS**

If you answered Question No. 1 and 2 yes, answer the next question. If you answered either Question No. 1 or 2 "No", skip to Question No. 13.

7. Did HAROLD CARTER request that FEDERAL EXPRESS CORPORATION make a reasonable accommodation for his physical condition so that he would be able to perform the essential job requirements?

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

1, 2, 3, 5, 6, 8, 10, 11, 12

4, 7, 9 No

If your answer to question 7 is "Yes", then answer the next question. If your answer to question 7 is "No," then skip to question No. 11.

8. Was HAROLD CARTER willing to participate in an interactive process to determine whether reasonable accommodation could be made so that he would be able to perform the essential duties of his job?

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

1, 2, 3, 4, 5, 6, 7, 8,

10, 11, 12

If your answer to question 8 is "Yes", then answer the next question. If your answer to question 8 is "No," then skip to question No. 11.

9-3

11-1

9

1 9. Did FEDERAL EXPRESS CORPORATION fail to participate in a timely, good-  
2 faith interactive process with HAROLD CARTER to determine whether  
3 reasonable accommodation could be made?

4 Yes  No

1,2,3,4,5,6,7,8,10,11,12

11-1

9

5 If your answer to question 9 is "Yes", then answer the next question. If your  
6 answer to question 9 is "No," then skip to question No. 11.

7  
8 10. Was FEDERAL EXPRESS CORPORATION's failure to participate in a good-faith  
9 interactive process a substantial factor in causing harm to HAROLD CARTER?

10 Yes  No

1,2,3,4,5,6,7,8,10,11,12

11-1

11 Proceed to the next section.

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13 **SECTION 3: FAILURE TO ACCOMMODATE**

14 If you answered Question No. 1 and 2 yes, answer the next question. If you answered  
15 either Question No. 1 or 2 "No", skip to Question No. 13.

16  
17 11. Did FEDERAL EXPRESS CORPORATION fail to provide reasonable  
18 accommodation for HAROLD CARTER's physical condition?

19 Yes  No

1,2,3,4,5,6,7,8,10

11,12

11-1

20 If your answer to question 11 is "Yes", then answer the next question. If your  
21 answer to question 11 is "No," then skip to question No. 13.

9

1 12. Was FEDERAL EXPRESS CORPORATION's failure to provide reasonable  
2 accommodation a substantial factor in causing harm to HAROLD CARTER?

3 Yes  No

10-2

All except

4 Proceed to the next section.

3, 9

6 **SECTION 4: RETALIATION**

7 13. Did HAROLD CARTER engage in protected conduct, by taking a medical leave  
8 of absence, by making a request for reasonable accommodation, or by making  
9 complaints of discrimination to FEDERAL EXPRESS CORPORATION?

10 Yes  No

12-0

11 If your answer to question 13 is "Yes", then answer the next question. If your  
12 answer to question 13 is "No," then skip to question No. 17.

14 14. Did FEDERAL EXPRESS CORPORATION take one or more adverse  
15 employment actions, such as discipline, discharge or requiring HAROLD  
16 CARTER to enter into a personal performance agreement?

17 Yes  No

12-0

18 If your answer to question 14 is "Yes", then answer the next question. If your  
19 answer to question 14 is "No," then skip to question No. 17.

24 15. Was HAROLD CARTER's protected activity a substantial motivating reason for  
25 one or more adverse employment actions such as discipline, discharge or

1 requiring HAROLD CARTER to enter into a personal performance agreement  
2 by FEDERAL EXPRESS CORPORATION?

9-3

1, 2, 5, 6, 7, 8, 10, 11, 12

3 Yes  No

3, 4, 9

4 If your answer to question 15 is "Yes", then answer the next question. If your  
5 answer to question 15 is "No," then skip to question No. 17.

6  
7 16. Was the conduct of FEDERAL EXPRESS CORPORATION a substantial factor in  
8 causing harm to HAROLD CARTER?

10-2

1, 2, 4, 5, 6, 7, 8, 10, 11, 12

9 Yes  No

3, 9

10 Proceed to the next section.

11  
12 **SECTION 5: SAME DECISION**

13 If you answered "Yes" to either Question Nos. 6 or 16, answer the next  
14 question.

15  
16 17. Was a non-discriminatory reason (poor job performance of HAROLD CARTER)  
17 also a substantial motivating reason for the adverse employment actions, such  
18 as discipline, discharge or requiring HAROLD CARTER to enter into a  
19 personal performance agreement taken by FEDERAL EXPRESS  
20 CORPORATION against HAROLD CARTER?

11-1

all except 9

21 Yes  No

22 If your answer to question 17 is "Yes", then answer the next question. If your  
23 answer to question 17 is "No," skip to question No. 19.

24

25

1 18. Has FEDERAL EXPRESS CORPORATION proven that it would have taken the  
2 adverse employment actions against HAROLD CARTER, such as discipline,  
3 discharge or requiring HAROLD CARTER to enter into a personal performance  
4 agreement based on the non-discriminatory reason (poor job performance)  
5 even if FEDERAL EXPRESS CORPORATION had not also been substantially  
6 motivated by discrimination and/or retaliation? 12-0  
7 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12

8 Yes  No

9 Proceed to the next section.

### 10 DAMAGES

11 If you answered question Nos. 17 or 18 "No", or if you answered "Yes" to  
12 question Nos. 10 or 12, answer the next question.

13 19. What are HAROLD CARTER's damages against FEDERAL EXPRESS  
14 CORPORATION:

15			
16	Past Economic Damages	<i>AC</i> <i>\$21,400</i>	\$ <u>108,438</u> — 12-0
17	Future Economic Damages		\$ <u>208,724</u> — 12-0
18	Past non-economic damages		\$ <u>2,500,000</u> 11-1 (9)
19	Future non-economic damages		\$ <u>2,500,000</u> — 11-1 (9)
20	<b>TOTAL DAMAGES</b>		\$ <u>5,317,162</u> —
21			

22 Proceed to the next section.



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