

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

FILED
DES MOINES, IOWA
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CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IA

TRACEY BAILEY,)
)
Plaintiff,) Civil No. 4-99-cv-30610
)
v.)
) SPECIAL VERDICT FORM
CITY OF BLOOMFIELD, IOWA and)
CHIEF OF POLICE BERNIE GUTZ,)
)
Defendants.)

We, the jury, find the following special verdicts on the issues submitted to us:

1. Did plaintiff Tracey Bailey prove her claim of hostile work environment sexual harassment against defendants as explained in Instruction No. 9 - 13?

(Answer "yes" or "no" with respect to each defendant.)

ANSWER: City of Bloomfield NO

Bernie Gutz yes

(Answer the next question.)

40 2. Did plaintiff Tracey Bailey prove her claim of sex discrimination against defendants as explained in Instruction Nos. 14 and 19?

(Answer "yes" or "no" with respect to each defendant. Note: If you answer "yes" with respect to defendant Gutz, you must answer "yes" with respect to the defendant City.)

ANSWER: City of Bloomfield NO

Bernie Gutz NO

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(If you answered "no" to Question No. 2 with respect to both defendants, do not answer the next question and proceed to Question No. 4. If you answered "yes" to either defendant, answer the next question.)

3. Has it been proved by the preponderance of the evidence that defendants would have taken the same employment actions against plaintiff regardless of her sex, as explained in Instruction No. 15?

(Answer "yes" or "no.")

ANSWER: _____

(Answer the next question.)

4. Did plaintiff Tracey Bailey prove her claim of retaliation against defendants as explained in Instruction Nos. 16, 17 and 19?

(Answer "yes" or "no" with respect to each defendant. Note: If you answer "yes" with respect to defendant Gutz, you must answer "yes" with respect to the defendant City.)

ANSWER: City of Bloomfield NO

Bernie Gutz NO

(If your answer to Question Nos. 1, 2, and 4 is "no" with respect to both defendants, do not answer any further questions. The foreperson (or seven jurors agreeing to the verdict if nonunanimous) should sign and date the verdict form. If your answer to Question Nos. 1, 2 and 4 is "yes" with respect to a defendant answer the next question.)

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5. Did Tracey Bailey quit on November 18, 1999, or was she "constructively discharged" as explained in Instruction No. 21?

Answer "quit" or "constructive discharge."

ANSWER: Constructive discharge

(If your answer to Question No. 5 is "quit," plaintiff is not entitled to back pay for a constructive discharge. Nor may you award any damages for emotional distress based on the termination of plaintiff's employment. Answer the next question.)

6. We, the jury award damages for the following (if you find no damages for an item enter "0"). If you find emotional distress damages, you must state what amount resulted from plaintiff's sexual harassment claim explained in Instruction No. 9 and what amount from her other claims explained in Instruction Nos. 14, 16, 17 and 19. Do not award any damages on any claim on which you have found against plaintiff as to both defendants.

ANSWER:

1. Back pay	\$ <u>4399.00</u>
2. Emotional distress	
a. For sexual harassment	\$ <u>0</u>
b. For plaintiff's other claims	\$ <u>0</u>
Total	\$ <u>4399.00</u>

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Scotty S. S. S.
FOREPERSON*

6/8/01
DATE AND TIME

*To be signed only if verdict is unanimous.

Juror**

Juror**

Juror**

Juror**

Juror**

Juror**

Juror**

**To be signed by the jurors agreeing thereto after six hours or more of deliberation.