UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CLAUDE N. LEWIS, **Plaintiff,** **v.** **AMERICAN SUGAR REFINING, INC. and MEHANDRA RAMPHAL,** **Defendants.**	**Index No. 14-cv-02302 (CRK)** **ECF Case**

VERDICT FORM

We, the Jury, return the following unanimous verdict:

I. LIABILITY: DISPARATE TREATMENT UNDER TITLE VII AND NEW YORK STATE HUMAN RIGHTS LAW

1. Do you find that the Plaintiff has proven, by a preponderance of the evidence, that he was subjected to an adverse employment action that altered the terms and conditions of his employment for the worse?

Yes X **No** _____

If you answered "YES," proceed to Question 2.
If you answered "NO," skip Question 2 and proceed to Section II.

2. Do you find that the Plaintiff has proven, by a preponderance of the evidence, that his race and/or national origin was a motivating factor in the Defendants' decision to subject the Plaintiff to the adverse employment action?

Yes X **No** _____

Proceed to Section II.

II. LIABILITY: HOSTILE WORK ENVIRONMENT UNDER TITLE VII AND NEW YORK STATE HUMAN RIGHTS LAW

3. Do you find that the Plaintiff has proven, by a preponderance of the evidence, that he was subjected to unwelcome harassment, ridicule, or other abusive conduct while employed at American Sugar Refining, Inc.?

Yes X **No** _____

If you answered "YES," proceed to Question 4.
If you answered "NO," skip Questions 4 and 5 and proceed to Section III.

4. Do you find that the Plaintiff has proven, by a preponderance of the evidence, that the abusive conduct was motivated, at least in part, by the Plaintiff's race or national origin?

Yes X **No** _____

If you answered "YES," proceed to Question 5.
If you answered "NO," skip Question 5 and proceed to Section III.

5. Do you find that the Plaintiff has proven, by a preponderance of the evidence, that the abusive conduct was so severe or pervasive that both the Plaintiff himself and a reasonable person in the Plaintiff's position would find his work environment so hostile or offensive that it would interfere with his work performance?

Yes X **No** _____

Proceed to Section III.

III. LIABILITY: RETALIATION UNDER TITLE VII AND NEW YORK STATE HUMAN RIGHTS LAW

6. Has the Plaintiff proven, by a preponderance of the evidence, that he complained of discrimination in his employment, specifically complaining of alleged unfair treatment by Mr. Ramphal?

Yes X **No** _____

If you answered "YES," proceed to Question 7.
If you answered "NO," skip Questions 7, 8, and 9 and proceed to Section IV.

7. Has the Plaintiff proven, by a preponderance of the evidence, that Defendants were aware of his complaints?

Yes X **No** _____

If you answered "YES," proceed to Question 8.
If you answered "NO," skip Questions 8 and 9 and proceed to Section IV.

8. Has the Plaintiff proven, by a preponderance of the evidence, that he was then subjected to a material adverse action by Defendants, such as that the Plaintiff received less overtime, or was improperly disciplined?

Yes X **No** _____

If you answered "YES," proceed to Question 9.
If you answered "NO," skip Question 9 and proceed to Section IV.

9. Has the Plaintiff proven, by a preponderance of the evidence, that his complaints were the critical element in the Defendants' decision to take the adverse action?

Yes X **No** _____

Proceed to Section IV.

IV. DAMAGES FOR VIOLATIONS OF TITLE VII AND NEW YORK STATE HUMAN RIGHTS LAW

If you answered "YES" to any of the following sets of questions:

Questions 1 AND 2
OR
Questions 3, 4, AND 5
OR
Questions 6, 7, 8 and 9,

then you have found in favor of the Plaintiff on at least one of the claims above and you must consider the issue of damages. Please answer Questions 10–12 to detail how much, if anything, you award to the Plaintiff in damages.

10. Do you find that the Plaintiff has proven, by a preponderance of the evidence, that he suffered actual damages because of American Sugar Refining, Inc.'s and/or Mahendra Ramphal's violation(s) of Title VII and/or the New York State Human Rights Law?

Yes X **No** _____

If you answered "YES" to Question 10, state below the amount that is to be awarded in actual damages:

$ 104,000

11. Do you find that the Plaintiff has proven, by a preponderance of the evidence, that he suffered compensatory damages because of American Sugar Refining, Inc.'s and/or Mahendra Ramphal's violation(s) of Title VII and/or the New York State Human Rights Law?

Yes X **No** _____

If you answered "YES" to Question 11, state below the amount that is to be awarded in compensatory damages:

$ 250,000

Proceed to Question 12.

12. Do you find that the Plaintiff has proven, by a preponderance of the evidence, that he is entitled to an award of punitive damages against American Sugar Refining, Inc.'s violation(s) of Title VII?

Yes X **No** _____

If you answered "YES" to Question 12, state below the amount that is to be awarded as punitive damages:

$ 2,000,000

You have completed your deliberations.
After completing this form, the Foreperson should sign and date it, place it in an envelope, and inform the marshal that the jury has reached a unanimous verdict.

SIGNED Jessica Low **, Foreperson**

PRINT NAME JESSICA LOW

DATE 4/23/18

New York, New York