

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

CLEVE GALE

PLAINTIFF

VS.

CIVIL ACTION NO: 2:09-cv-00169-MPM-DAS

TOWN OF COMO, MISSISSIPPI

DEFENDANT

Form of the Verdict

1. In arriving at your verdict, you are to consider whether plaintiff has proven that he was fired by the Town of Como because of his race:

As to this issue, do you find that:

- a. The Town of Como did not fire plaintiff because of his race; or
- b. The Town of Como fired plaintiff because of his race; or
- c. Race was one motivating factor in the Town of Como's decision to fire plaintiff,

but other factors also motivated the Town to fire him.

Check whichever of the above choices is best supported by the evidence in this case. You should only choose one of the options above. If you selected "a" then you should go no further and simply have the jury foreperson sign the verdict form. If you selected "b" then you should skip question 2 and proceed to question 3. If you selected "c" then you should proceed to question 2.

2. As noted above, if you find that plaintiff's race was a motivating factor in the Town of Como's decision to terminate him, even though other considerations were also factors in the decision, then you must determine whether the Town of Como has proved by a preponderance of the evidence that it would have made the same decision even if it had not considered his race.

Has the Town of Como proven that, at the time Gale was fired, it would have made the same decision to fire Plaintiff even if it had not considered his race?

Answer "Yes" or "No." NO

To repeat, you are only to answer this question if you selected 1(c) above. If you answer "yes" to question 2 then you are to go no further and should simply have the jury foreperson sign the verdict form. If you answer "no" then you are to proceed to question 3.

3. Do you find that the Town of Como would have terminated plaintiff based on the inventory of his office on September 22, 2008?

Answer "Yes" or "No." YES

If you answer "yes" to question 3 then you should not award any damages for back pay in question 4 and should limit any verdict to an award of compensatory damages in question 4.

4. What sum of money, if paid now in cash, would fairly and reasonably compensate Plaintiff for the damages, if any, you have found Defendant caused Plaintiff? Answer in dollars and cents for the following items and none other:

(a) Back pay: _____ (this should be left blank if you answered "yes" to question 3).

(b) Compensatory damages, including emotional pain and suffering, inconvenience, mental anguish, and loss of enjoyment of life:

\$50,000.⁰⁰ (this question should be answered regardless of your answer to question 3).

This, the 25 day of January, 2012.

John H. Cardwell

Jury Foreperson