

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

KA'TORIA GRAY,

)

Plaintiff,

)

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v.

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)

CASE NO. 2:17-cv-595-RAH

KOCH FOODS, INC., *et al.*,

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)

Defendants.

)

)

VERDICT FORM

CLAIM 1

Title VII—Hostile Work Environment  
Because of Sex (Against Ala-Koch Only)

1. Do you find from a preponderance of the evidence that Melissa McDickinson and/or David Birchfield harassed Ka'Toria Gray because of her sex?

Answer Yes or No: No

[If your answer is "No," this ends your deliberations on this claim, and you should move to Claim 2. If your answer is "Yes," go to the next question.]

2. Do you find from a preponderance of the evidence that the harassment created a hostile work environment for Ka'Toria Gray?

Answer Yes or No: \_\_\_\_\_

[If your answer is "No," this ends your deliberations on this claim, and you should move to Claim 2. If your answer is "Yes," go to the next question.]

**3. Do you find from a preponderance of the evidence that Ala-Koch exercised reasonable care to prevent and promptly correct any harassing behavior in the workplace because of sex?**

Answer Yes or No: \_\_\_\_\_

[If your answer is "Yes," go to the next question. If your answer is "No," go to Question No. 5]

**4. Do you find from a preponderance of the evidence that Ka'Toria Gray unreasonably failed to take advantage of the preventive or corrective opportunities Ala-Koch provided to avoid or correct harm?**

Answer Yes or No: \_\_\_\_\_

[If your answer is "Yes," this ends your deliberations as to this claim, and you should go to Claim 2. If your answer is "No," go to the next question.]

**5. Do you find from a preponderance of the evidence that Ka'Toria Gray suffered damages because of the hostile work environment?**

Answer Yes or No: \_\_\_\_\_

[If your answer is "No," this ends your deliberations on this claim, and you should move to Claim 2. If your answer is "Yes," go to the next question.]

**6. Do you find from a preponderance of the evidence that Ka'Toria Gray should be awarded damages to compensate for emotional pain and mental anguish?**

Answer Yes or No: \_\_\_\_\_

[If your answer is "Yes," please enter the amount on the separate Verdict Damages Form where indicated and go to the next question. If your answer is "No," you should go to Claim 2.]

**7. Do you find from a preponderance of the evidence that Ala-Koch employee(s), acting in a managerial capacity, acted with either malice or with reckless indifference toward Ka'Toria Gray's federally protected rights?**

Answer Yes or No: \_\_\_\_\_

If yes, name the employee(s): \_\_\_\_\_

[If your answer is "Yes," go to the next question. If your answer is "No," skip Questions 8 and 9 and proceed to Question 10.]

**8. Do you find from a preponderance of the evidence that those employees acts were contrary to Ala-Koch's good faith efforts to comply with the law by implementing policies and programs designed to prevent unlawful discrimination in the workplace.**

Answer Yes or No: \_\_\_\_\_

[If your answer is "No," go to the next question. If your answer is "Yes," skip Question 9 and proceed to Question 10.]

**9. Do you find from a preponderance of the evidence that punitive damages should be assessed against Ala-Koch?**

Answer Yes or No: \_\_\_\_\_

[If your answer is "Yes," please enter the amount on the separate Verdict Damages Form where indicated and go to the next question. If your answer is "No," you should go to the next question.]

**10. Do you find from a preponderance of the evidence that Ala-Koch and Koch Foods, Inc. are an integrated enterprise?**

Answer Yes or No: \_\_\_\_\_

**CLAIM 2**

**Assault and Battery as to David Birchfield**

**1. Do you find from a preponderance of the evidence that David Birchfield is liable to Ka'Toria Gray for assault and battery?**

Answer Yes or No: Yes

[If your answer is "Yes," go to the next question. If your answer is "No," this will end your deliberations as to this claim, and you should go to Claim 3.]

**2. Do you find from a preponderance of the evidence that Ka'Toria Gray should be awarded damages from David Birchfield to compensate for emotional pain and mental anguish for an assault and battery?**

Answer Yes or No: Yes

[If your answer is "Yes," please enter the amount on the separate Verdict Damages Form where indicated and go to the next question. If your answer is "No," you should go to Claim 3.]

**3. Do you find by clear and convincing evidence that Ka'Toria Gray should be awarded punitive damages from David Birchfield?**

Answer Yes or No: Yes

[If your answer is "Yes," please enter the amount on the separate Verdict Damages Form where indicated and go to the next question. If your answer is "No," go to the next question.]

**4. Do you find from a preponderance of the evidence that Ala-Koch is vicariously liable to Ka'Toria Gray for this claim?**

Answer Yes or No: No

**CLAIM 3**

**Assault and Battery as to Melissa McDickinson**

**1. Do you find from a preponderance of the evidence that Melissa McDickinson is liable to Ka'Toria Gray for assault and battery?**

Answer Yes or No: Yes

[If your answer is "Yes," go to the next question. If your answer is "No," this will end your deliberations as to this claim, and you should go to Claim 4.]

**2. Do you find from a preponderance of the evidence that Ka'Toria Gray should be awarded damages from Melissa McDickinson to compensate for emotional pain and mental anguish for an assault and battery?**

Answer Yes or No: Yes

[If your answer is "Yes," please enter the amount on the separate Verdict Damages Form where indicated and go to the next question. If your answer is "No," you should go to Claim 4.]

**3. Do you find by clear and convincing evidence that Ka'Toria Gray should be awarded punitive damages from Melissa McDickinson?**

Answer Yes or No: Yes

[If your answer is "Yes," please enter the amount on the separate Verdict Damages Form where indicated and go to the next question. If your answer is "No," go to the next question.]

**4. Do you find from a preponderance of the evidence that Ala-Koch is vicariously liable to Ka'Toria Gray for this claim?**

Answer Yes or No: No

**CLAIM 4**

**Invasion of Privacy as to David Birchfield**

**1. Do you find from a preponderance of the evidence that David Birchfield is liable to Ka'Toria Gray for invasion of privacy?**

Answer Yes or No:     No    

[If your answer is "Yes," go to the next question. If your answer is "No," this will end your deliberations as to this claim, and you should go to Claim 5.]

**2. Do you find from a preponderance of the evidence that Ka'Toria Gray should be awarded damages to compensate for emotional pain and mental anguish?**

Answer Yes or No: \_\_\_\_\_

[If your answer is "Yes," please enter the amount on the separate Verdict Damages Form where indicated and go to the next question. If your answer is "No," you should go to Claim 5.]

**3. Do you find by clear and convincing evidence that Ka'Toria Gray should be awarded punitive damages from David Birchfield?**

Answer Yes or No: \_\_\_\_\_

[If your answer is "Yes," please enter the amount on the separate Verdict Damages Form where indicated and go to the next question. If your answer is "No," go to the next question.]

**4. Do you find from a preponderance of the evidence that Ala-Koch is vicariously liable to Ka'Toria Gray for this claim?**

Answer Yes or No: \_\_\_\_\_

**CLAIM 5**

**Invasion of Privacy as to Melissa McDickinson**

**1. Do you find from a preponderance of the evidence that Melissa McDickinson is liable to Ka'Toria Gray for invasion of privacy?**

Answer Yes or No: No

[If your answer is "Yes," go to the next question. If your answer is "No," this will end your deliberations as to this claim, and you should go to Claim 6.]

**2. Do you find from a preponderance of the evidence that Ka'Toria Gray should be awarded damages to compensate for emotional pain and mental anguish?**

Answer Yes or No: \_\_\_\_\_

[If your answer is "Yes," please enter the amount on the separate Verdict Damages Form where indicated and go to the next question. If your answer is "No," you should go to Claim 6.]

**3. Do you find by clear and convincing evidence that Ka'Toria Gray should be awarded punitive damages from Melissa McDickinson?**

Answer Yes or No: \_\_\_\_\_

[If your answer is "Yes," please enter the amount on the separate Verdict Damages Form where indicated and go to the next question. If your answer is "No," go to the next question.]

**4. Do you find from a preponderance of the evidence that Ala-Koch is vicariously liable to Ka'Toria Gray for this claim?**

Answer Yes or No: \_\_\_\_\_

**CLAIM 6**

**Intentional Infliction of Emotional Distress as to David Birchfield**

**1. Do you find from a preponderance of the evidence that David Birchfield is liable to Ka'Toria Gray for intentional infliction of emotional distress?**

Answer Yes or No:     No    

[If your answer is "Yes," go to the next question. If your answer is "No," this will end your deliberations as to this claim, and you should go to Claim 7.]

**2. Do you find from a preponderance of the evidence that Ka'Toria Gray should be awarded damages to compensate for emotional pain and mental anguish?**

Answer Yes or No: \_\_\_\_\_

[If your answer is "Yes," please enter the amount on the separate Verdict Damages Form where indicated and go to the next question. If your answer is "No," you should go to Claim 7.]

**3. Do you find by clear and convincing evidence that Ka'Toria Gray should be awarded punitive damages on this claim from David Birchfield?**

Answer Yes or No: \_\_\_\_\_

[If your answer is "Yes," please enter the amount on the separate Verdict Damages Form where indicated and go to the next question. If your answer is "No," go to the next question.]

**4. Do you find from a preponderance of the evidence that Ala-Koch is vicariously liable to Ka'Toria Gray for this claim?**

Answer Yes or No: \_\_\_\_\_



**CLAIM 7**

**Intentional Infliction of Emotional Distress as to Melissa McDickinson**

**1. Do you find from a preponderance of the evidence that Melissa McDickinson is liable to Ka'Toria Gray for intentional infliction of emotional distress?**

Answer Yes or No:     No    

[If your answer is "Yes," go to the next question. If your answer is "No," this will end your deliberations as to this claim, and you should go to Claim 8.]

**2. Do you find from a preponderance of the evidence that Ka'Toria Gray should be awarded damages to compensate for emotional pain and mental anguish?**

Answer Yes or No: \_\_\_\_\_

[If your answer is "Yes," please enter the amount on the separate Verdict Damages Form where indicated and go to the next question. If your answer is "No," you should go to Claim 8.]

**3. Do you find by clear and convincing evidence that Ka'Toria Gray should be awarded punitive damages from Melissa McDickinson?**

Answer Yes or No: \_\_\_\_\_

[If your answer is "Yes," please enter the amount on the separate Verdict Damages Form where indicated and go to the next question. If your answer is "No," go to the next question.]

**4. Do you find from a preponderance of the evidence that Ala-Koch is vicariously liable to Ka'Toria Gray for this claim?**

Answer Yes or No: \_\_\_\_\_

**CLAIM 8**

***Negligent Supervision, Training or Retention – Melissa McDickinson***

**1. Do you find by a preponderance of the evidence that Ala-Koch negligently trained, supervised or retained Melissa McDickinson?**

Answer Yes or No:     No    

[If your answer is “Yes,” go to the next question. If your answer is “No,” this will end your deliberations as to this claim, and you should go to the Claim 9.]

**2. Do you find from a preponderance of the evidence that Ka’Toria Gray’s own negligence contributed in whole or in part to her own damages?**

Answer Yes or No: \_\_\_\_\_

[If your answer is “Yes”, this will not end your deliberation on this claim, and you should still go to the next question. If your answer is “No,” go to the next question.]

**3. Do you find from a preponderance of the evidence that Ka’Toria Gray should be awarded damages to compensate her for emotional pain and mental anguish on this claim?**

Answer Yes or No: \_\_\_\_\_

[If your answer is “Yes,” please enter the amount on the separate Verdict Damages Form where indicated and go to Claim 10. And whether you answer Yes or No, you should go to Question 1 of Claim 9 and answer No.]

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**CLAIM 9**

***Wanton Supervision, Training, or Retention—Melissa McDickinson***

**1. Do you find by a preponderance of the evidence that Ala-Koch wantonly trained, supervised or retained Melissa McDickinson?**

Answer Yes or No:     No    

[If your answer is “Yes,” go to the next question. If your answer is “No,” this will end your deliberations as to this claim, and you should go to the Claim 10.]

**2. If so, do you find from a preponderance of the evidence that Ka’Toria Gray should be awarded damages to compensate her for emotional pain and mental anguish on this claim?**

Answer Yes or No: \_\_\_\_\_

[If your answer is “Yes,” please enter the amount on the separate Verdict Damages Form where indicated and go to the next question. If your answer is “No,” you should go to Claim 10.]

**3. Do you find by clear and convincing evidence that Ka’Toria Gray should be awarded punitive damages on this claim from Ala-Koch?**

Answer Yes or No: \_\_\_\_\_

[If your answer is “Yes,” please enter the amount on the separate Verdict Damages Form where indicated and go to Claim 10. If your answer is “No,” you should go to Claim 10.]

**CLAIM 10**

***Negligent Supervision and Training/Retention – David Birchfield***

**1. Do you find by a preponderance of the evidence that Ala-Koch negligently trained, supervised or retained David Birchfield?**

Answer Yes or No:     No    

[If your answer is “Yes,” go to the next question. If your answer is “No,” this will end your deliberations as to this claim, and you should go to Claim 11.]

**2. Do you find from a preponderance of the evidence that Ka’Torcia Gray’s own negligence contributed in whole or in part to her own damages?**

Answer Yes or No: \_\_\_\_\_

[If your answer is “Yes”, this will not end your deliberation on this claim, and you should still go to the next question. If your answer is “No,” go to the next question.]

**3. Do you find from a preponderance of the evidence that Ka’Torcia Gray should be awarded damages to compensate her for emotional pain and mental anguish on this claim?**

Answer Yes or No: \_\_\_\_\_

[If your answer is “Yes,” please enter the amount on the separate Verdict Damages Form where indicated. And whether you answer Yes or No, you should go to question 1 of Claim 11 and answer No. ]

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**CLAIM 11:**

***Wanton Supervision, Training, or Retention—David Birchfield***

**1. Do you find by a preponderance of the evidence that Ala-Koch wantonly trained, supervised or retained David Birchfield?**

Answer Yes or No:     No    

[If your answer is “Yes,” go to the next question. If your answer is “No,” this will end your deliberations, and your foreperson should go to the end of this verdict form and the Verdict Damages Form and sign and date it.]

**2. Do you find from a preponderance of the evidence that Ka’Torla Gray should be awarded damages to compensate her for emotional pain and mental anguish on this claim?**

Answer Yes or No: \_\_\_\_\_


[If your answer is “Yes,” please enter the amount on the separate Verdict Damages Form where indicated and go to the next question. If your answer is “No,” then this will conclude your deliberations and your foreperson should sign and date the Verdict Form and the Verdict Damages Form.]

**3. Do you find by clear and convincing evidence that Ka’Torla Gray should be awarded punitive damages on this claim from Ala-Koch?**

Answer Yes or No: \_\_\_\_\_

[If your answer is “Yes,” please enter the amount on the separate Verdict Damages Form where indicated, then this will conclude your deliberations and your foreperson should sign and date the Verdict Form and the Verdict Damages Form. If your answer is “No,” then this will conclude your deliberations and your foreperson should sign and date the Verdict Form and the Verdict Damages Form.]

Done this 15 day of March, 2022.

  
Jury Foreperson