

NO. 14-CI-002690

JEFFERSON CIRCUIT COURT  
DIVISION FOUR (4)  
JUDGE CHARLES CUNNINGHAM, JR.

PAM SPAYD

PLAINTIFF

v.

**JURY INSTRUCTIONS**

THE PNC FINANCIAL SERVICES GROUP, INC.

d/b/a PNC BANK

and

MICHELLE CRUM

DEFENDANTS

\*\*\* \*\*

**INSTRUCTION NO. 1**

Before beginning your deliberations, select one of your number as the Foreperson.

The deputy will deliver the exhibits to the jury room for your consideration and review.

A deputy will be posted outside your door so no one can interfere with your deliberations.

Nine or more of you must agree to reach a verdict on any issue you are to decide. If all twelve of you agree on a verdict, only the Foreperson need sign the verdict. If at least nine, but less than twelve, agree on a verdict, all of you agreeing must sign. The same nine jurors need not agree on each verdict.

Each juror must decide this case in his or her own mind, but only after impartial consideration of all the evidence with all of the other jurors. If you award damages, the amount awarded cannot be determined by agreeing in advance to accept an average of what each juror individually would award, although such a number may be calculated as a point of discussion.

If you feel the necessity to make further inquiry with the Court, the foreperson will need to hand the deputy a note advising the Court of the question. I will then consult with the attorneys and address your inquiry to the extent possible.

## **INSTRUCTION NO. 2**

Plaintiff's only claim in this case is that her employment was terminated in retaliation for complaining of age discrimination. She is not alleging age discrimination as part of her lawsuit, or seeking to recover for any conduct she felt was discriminatory, including jobs that she applied to, but was not selected for.

You have heard substantial evidence during this trial of Plaintiff's performance while employed by PNC Bank. PNC Bank maintains that it terminated Plaintiff only for dishonesty on her employment application, and that her performance was not a factor in the termination decision. However, you may consider Plaintiff's performance for other evidentiary purposes.

**INSTRUCTION NO. 3**  
**(Retaliation Claim)**

You will find for the Plaintiff, Pam Spayd, on her claim of retaliation if you are satisfied by a preponderance of the evidence that her participation in the protected activity of making a complaint of age discrimination was a substantial and motivating factor in the decision to terminate her, and but for her protected activity, her employment would not have been terminated by PNC Bank.

Otherwise, you will find for the Defendants under this instruction.

You may use Verdict Form A to indicate your verdict under this instruction.



**INSTRUCTION NO. 4**  
**(Damages)**

If you found for Pam Spayd under Instruction 3, you will determine from the evidence and award her:

- a) A sum of money equal to the gross amount of compensation she would have earned from PNC Bank had she not been retaliated against, less any compensation she received during that period, not to exceed \$56,321.00; and/or
- b) A sum of money that will fairly and reasonably compensate her for such embarrassment, humiliation, and mental anguish, as she sustained as a direct result of Defendants' wrongful conduct.

Record your amount for damages on Verdict Form B.

**VERDICT FORM B**  
**(Damages)**

You have found for Plaintiff, Pam Spayd, under Instruction No. 3. Please record your Verdict under Instruction No. 4 as to damages in the following blanks:

1. Compensation for lost income

\$ 14,000

Total (Not to Exceed \$56,321.00)

2. Embarrassment, Humiliation, and Mental Anguish

\$ 1,000

Total (Not to Exceed \$300,000)

\_\_\_\_\_  
FOREPERSON (Only if Unanimous)

\_\_\_\_\_  
JURY MEMBER

\_\_\_\_\_  
JURY MEMBER

\_\_\_\_\_  
JURY MEMBER

\_\_\_\_\_  
JURY MEMBER

\_\_\_\_\_  
JURY MEMBER

\_\_\_\_\_  
JURY MEMBER

\_\_\_\_\_  
JURY MEMBER

\_\_\_\_\_  
JURY MEMBER

\_\_\_\_\_  
JURY MEMBER

\_\_\_\_\_  
JURY MEMBER

\_\_\_\_\_  
JURY MEMBER

\_\_\_\_\_  
JURY MEMBER

Please Return to Courtroom.