

United States District Court
District of Connecticut
FILED AT NEW HAVEN

3/22/12 20 12
Roberta D. Tabora, Clerk

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

By [Signature]
Deputy Clerk

ANDREW BARATI
Plaintiff,

v.

METRO NORTH RAILROAD COMPANY,
Defendants.

Civil No. 3:10cv1756 (JBA)

VERDICT FORM

I. FEDERAL EMPLOYERS LIABILITY ACT (FELA)

A. FELA Liability

1. Do you find that the Plaintiff Andrew Barati has proved by a preponderance of the evidence that Defendant Metro-North Railroad Company was negligent, to any degree?

Yes No

If your answer to No. 1 is "yes," proceed to No. 2. If your answer to No. 1 is "no," proceed to No. 6.

2. Did Plaintiff Andrew Barati prove that Defendant's negligence played any part in bringing about the plaintiff's injuries?

Yes No

If your answer to No. 2 is "yes," proceed to No. 3. If your answer to No. 2 is "no," your deliberations as to Plaintiff's FELA claim are complete. Please proceed to No. 6.

3. Do you find that Defendant Metro North has proved that Plaintiff Andrew Barati's negligence contributed to his injury?

Yes No

If your answer to No.3 is "yes," proceed to No.4. If your answer to No.3 is "no," proceed to No.5.

4. To what extent, expressed in a percentage, did plaintiff's negligence contribute to his injuries?

60 %

Proceed to No.5.

B. FELA Damages

5. What amount do you find will fairly and adequately compensate the plaintiff for the injuries he proved, without reduction for any contributory negligence you found:

- a. Past lost earnings (4/22/08-6/17/08): \$ 5,897.36
- b. Pain, suffering, and disfigurement: \$ 9,477.90
- c. Future pain, suffering, and disfigurement: \$ 34,624.74

TOTAL \$ 50,000

If you found Plaintiff's contributory negligence proved (No.3), the Court will reduce your TOTAL damages by the percentage you found Plaintiff contributorily negligent in causing his injury. If you found no contributory negligence, the total above reflects

your verdict on the FEHA claim. Proceed to No.6.

II. FEDERAL RAIL SAFETY ACT (FRSA)

A. FRSA Liability

6. Do you find that the Plaintiff Andrew Barati has proved by a preponderance of the evidence that the Defendant Railroad's adverse action against him was due, in whole or in part, to his protected activity of reporting a work-related injury?

Yes No

If your answer to No.6 is "yes," proceed to No.7. If your answer is "no," your deliberations on the FRSA claim are complete. Please sign and date this Verdict Form.

7. Do you find that the defendant Metro North has proved by clear and convincing evidence that it would have taken the same adverse action against Mr. Barati in the absence of his protected activity of reporting a work-related injury?

Yes No

If your answer is "yes," your deliberations as to the FRSA claim are complete, and please sign and date this Verdict Form. If your answer to No.7 is "no," proceed to Interrogatory No.8.

B. FRSA Damages

8. What amount do you find will fairly and adequately compensate the plaintiff for the injuries he proved were caused by Defendant's violation of the Federal Rail Safety Act:

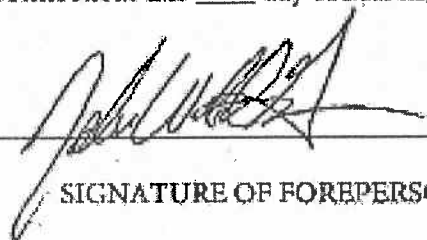
- a. Emotional distress: \$ 40,000
- b. Non-wage economic loss (Personal property) \$ 350
- c. Lost wages for FRSA court proceedings \$ 1,428

9. What amount of punitive damages, if any, do you find is appropriately awarded against Defendant for its FRSA violation?

Punitive Damages \$ 1,000,000

You have now completed your deliberations. Please sign and date this form.

Dated at New Haven, Connecticut this 22 day of March, 2012, at 3:30 a.m. (p.m.)



SIGNATURE OF FOREPERSON