

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
JASON BRIG and JOHN BUCHALA,

Plaintiffs,

- against-

12 CV 5371 (RPP)

PORT AUTHORITY TRANS HUDSON,

VERDICT FORM

Defendant.
----- X

The jury unanimously finds the issues as follows:

I. PLAINTIFF JASON BRIG

1. Federal Rail Safety Act ("FRSA") Claim

- a. Do you find that Mr. Brig has proven by a preponderance of the evidence that he undertook actions in relation to the March 24, 2010 incident that constituted a protected activity under the FRSA?

YES X NO _____

- b. Do you find that Mr. Brig has proven by a preponderance of the evidence that PATH was aware that he participated in a protected activity in connection with the March 24, 2010 incident?

YES X NO _____

- c. Do you find that Mr. Brig has proven by a preponderance of the evidence that he was subjected to an adverse or discriminatory employment action by PATH, namely that he was charged with company safety rule violations or denied promotion opportunities?

YES X NO _____

- d. Do you find that Mr. Brig has proven by a preponderance of the evidence that his participation in a protected activity was a contributing factor to a decision to take an adverse or discriminatory employment action ~~taken~~ against him?

YES X NO _____

If you answered "Yes" to every part of Question One, then continue onto Question Two. If, however, you answered "No" to any part of Question One, then you have reached a verdict in favor of PATH and you should proceed to the consideration of Mr. Buchala's FRSA claim.

2. Defendant Liability

- a. Do you find that PATH has proven by clear and convincing evidence that it would have taken the same adverse or discriminatory employment action against Mr. Brig in the absence of his participation in a protected activity?

YES _____ NO X

If you answered "NO" to Question Two, you have reached a verdict in favor of Mr. Brig and you should continue onto Question Three. If, however, you answered "Yes" to Question Two, you have reached a verdict in favor of PATH and you should proceed to the consideration of Mr. Buchala's FRSA claim.

3. Damages

- a. If you found that PATH violated the FRSA, state the amount of compensatory damages that you determine Mr. Brig should be awarded:

\$ 250,000

- b. What amount of punitive damages, if any, do you find is appropriately awarded to Mr. Brig for PATH's FRSA violation?

\$ 500,000

II. **PLAINTIFF JOHN BUCHALA**

1. Federal Rail Safety Act ("FRSA") Claim

- a. Do you find that Mr. Buchala has proven by a preponderance of the evidence that he undertook actions in relation to the March 24, 2010 incident that constituted a protected activity under the FRSA?

YES X NO _____

- b. Do you find that Mr. Buchala has proven by a preponderance of the evidence that PATH was aware that he participated in a protected activity in connection with the March 24, 2010 incident?

YES X NO _____

- c. Do you find that Mr. Buchala has proven by a preponderance of the evidence that he was subjected to an adverse or discriminatory employment action by PATH, namely that he was charged with company safety rule violations or denied promotion opportunities?

YES X NO _____

- d. Do you find that Mr. Buchala has proven by a preponderance of the evidence that his participation in a protected activity was a contributing factor to a

decision to take an adverse or discriminatory employment action ~~taken~~ against him?

YES X NO _____

If you answered "Yes" to every part of Question One, then continue onto Question Two. If, however, you answered "No" to any part of Question One, then you have reached a verdict in favor of PATH and you should proceed to the verification section.

2. Defendant Liability

- a. Do you find that PATH has proven by clear and convincing evidence that it would have taken the same adverse or discriminatory employment action against Mr. Buchala in the absence of his participation in a protected activity?

YES _____ NO X

If you answered "NO" to Question Two, you have reached a verdict in favor of Mr. Buchala and you should continue onto Question Three. If, however, you answered "Yes" to Question Two, you have reached a verdict in favor of PATH and you should proceed to the verification section.

3. Damages

- a. If you found that PATH violated the FRSA, state the amount of compensatory damages that you determine Mr. Buchala should be awarded:

\$ 250,000 .

- b. What amount of punitive damages, if any, do you find is appropriately awarded to Mr. Buchala for PATH's FRSA violation?

\$ 500,000

III. VERIFICATION

Foreperson: please sign your name on the lines provided below, fill in the date, and notify a marshal that you have reached your verdict.

Foreperson

Date