

NATHAN J. JOHNSON,

Plaintiff,

v.

STATE OF NEW JERSEY, DEPARTMENT
OF BANKING AND INSURANCE

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – MERCER COUNTY

DOCKET NO.: MER-L-416-14

Civil Action

HOSTILE WORK ENVIRONMENT

1. Has Plaintiff proven by a preponderance of the evidence that harassing conduct occurred?

YES

NO

VOTE: 8-0
(8-0 or 7-1)

If you answered YES to Question Number 1, proceed to Question Number 2. If you answered NO to Question 1, proceed to Question Number 5 on retaliation.

2. Has Plaintiff proven by a preponderance of the evidence that the harassing conduct occurred because of his race?

YES

NO

VOTE: ~~8-0~~ 7-1
(8-0 or 7-1)

If you answered YES to Question Number 2, proceed to Question Number 3. If you answered NO to Question 2, proceed to Question Number 5 on retaliation.

3. Has Plaintiff proven by a preponderance of the evidence that the harassing conduct was severe or pervasive to make a reasonable person believe that the working environment and conditions were intimidating, hostile or abusive?

YES

NO

VOTE: 8-0
(8-0 or 7-1)

If you answered YES to Question Number 3, proceed to Question Number 4. If you answered NO to Question 3, that is the end of your deliberations as to harassment, proceed to Question Number 5 on retaliation.

4. Has Plaintiff proven by a preponderance of the evidence that the Department of Banking and Insurance ("DOBI") knew of the harassing conduct and failed to take effective remedial measures to stop it?

YES

NO

VOTE: 8-0
(8-0 or 7-1)

Proceed to Question Number 5.

LAW AGAINST DISCRIMINATION ("LAD") RETALIATION

5. Has Plaintiff proven by a preponderance of the evidence that he was subjected to an adverse employment action?

YES

NO

VOTE: 8-0
(8-0 or 7-1)

If you answered YES to Question Number 5, proceed to Question Number 6. If you answered NO to Question 5, and any of Questions 1, 2, 3, or 4, cease your deliberations, this is Your Verdict.

6. Has Plaintiff proven by a preponderance of the evidence that there is a causal connection between the protected activity and the adverse employment action?

YES ✓

NO _____

VOTE: 8-0
(8-0 or 7-1)

If you answered YES to Question Number 6, proceed to Question Number 7. If you answered NO to Question Number 6, but YES to Question 4, proceed to Question Number 7 on damages, otherwise cease your deliberations.

DAMAGES

7. What amount of money would fairly and reasonably compensate Plaintiff, Nathan Johnson, for any emotional distress damages proximately caused by the harassment and/or retaliatory conduct in violation of the New Jersey Law Against Discrimination?

Emotional Damages \$ 984,000
(Indicate in a Lump sum)

VOTE: 7-1
(8-0 or 7-1)

Economic Damages (related to the 5 day suspension only) \$ 2,237.36
(up to \$2,237.36)

Susan S. Diamond
Signature of Foreperson

Susan S. Diamond
Name of Foreperson

Date: 4/25/19

This is your verdict, kindly knock on the jury room door and indicate to the attendant that you have reached a verdict and say nothing more until you are in the courtroom.

**NATHAN JOHNSON,
Plaintiff**

V.

**STATE OF NEW JERSEY,
Defendant**

VERDICT SHEET – PUNITIVE DAMAGES

1. Has plaintiff proven by clear and convincing evidence that the defendant's wrongful conduct was especially egregious?

YES ✓ NO _____ VOTE: 8-0

If the answer to Question 1 is "yes," proceed to Question 2. If the answer to Question 1 is "no," you shall cease your deliberations.

2. Has plaintiff proven by clear and convincing evidence that the defendant's upper management either actively participated in the wrongful conduct, or was willfully indifferent to it?

YES ✓ NO _____ VOTE: 8-0

If the answer to Question 2 is "yes," proceed to Question 3. If the answer to Question 2 is "no," you shall cease your deliberations.

3. What is the amount of money, if any, that should be awarded as punitive damages as against the defendant?

\$ 1,00 VOTE: 8-0

You shall cease your deliberations.

Susan D. Danon