

FILED  
IN CLERK'S OFFICE  
US DISTRICT COURT E.D.N.Y.

*Revised*  
*4/27/18*  
*(Signature)*

Verdict Form

★ APR 27 2018 ★

Court Exhibit 4A

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

-----X  
EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

COURT'S	
EXHIBIT NO. <u>9</u>	
IDENTIFICATION/EVIDENCE	
DKT.# <u>14-cv-3673</u>	
DATE: <u>4/25/18</u>	

-against-

UNITED HEALTH PROGRAMS OF AMERICA,  
INC. and COST CONTAINMENT GROUP,  
INC.,

Defendants.

-----X

-----X

14-CV-3673 (KAM) (JO)

ELIZABETH ONTANEDA, FRANCINE  
PENNISI, and FAITH PABON,

Plaintiffs-Intervenors,

-against-

UNITED HEALTH PROGRAMS OF AMERICA,  
INC. and COST CONTAINMENT GROUP,  
INC.,

Defendants.

-----X

VERDICT FORM

Verdict Form

VERDICT FORM

A. Hostile Work Environment (All Claimants Except Faith Pabon)

Question 1. Do you unanimously find that plaintiffs have proven by a preponderance of the evidence that defendants UHP/CCG are legally responsible for creating or maintaining a hostile work environment based on religion for the following claimants?

Sandra Benedict	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO <i>TM</i>
Danielle Diaz	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO <i>TM</i>
Jennifer Honohan	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO <i>TM</i>
Karen Josey	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO <i>TM</i>
Regina Maldari	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO <i>TM</i>
Elizabeth Ontaneda	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO <i>TM</i>
Cynthia Pegullo	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO <i>TM</i>
Francine Pennisi	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO <i>TM</i>
Elizabeth Safara	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO <i>TM</i>

*TM*

Verdict Form

Answer Question 2 *only if the answer for any claimant in Question 1 is YES.*

Question 2. How much should each of the claimants be awarded for the hostile work environment they experienced? A claimant may not recover more than once for any damages she may have suffered for the same injury.

	<u>Compensatory Damages</u>	<u>Punitive Damages</u>
Sandra Benedict	\$ <u>225,000.00</u>	\$ <u>0</u>
Danielle Diaz	\$ <u>190,000.00</u>	\$ <u>400,000.00</u>
Jennifer Honohan	\$ <u>570,000.00</u>	\$ <u>0</u>
Karen Josey	\$ <u>180,000.00</u>	\$ <u>0</u>
Regina Maldari	\$ <u>306,000.00</u>	\$ <u>0</u>
Elizabeth Ontaneda	\$ <u>590,000.00</u>	\$ <u>900,000.00</u>
Cynthia Pegullo	\$ <u>180,000.00</u>	\$ <u>160,000.00</u>
Francine Pennisi	\$ <u>248,000.00</u>	\$ <u>381,000.00</u>
Elizabeth Safara	\$ <u>80,000.00</u>	\$ <u>0</u>

Verdict Form

**B. Disparate Treatment – Wrongful Termination (All Claimants Except Elizabeth Safara & Regina Maldari)**

Question 3. Do you unanimously find that plaintiffs have proven by a preponderance of the evidence that defendants UHP/CCG subjected the following claimants to termination that was motivated, at least in part, by the claimant's rejection of defendants' religious practices?

Sandra Benedict	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Danielle Diaz	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Jennifer Honohan	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Karen Josey	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Elizabeth Ontaneda	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Faith Pabon	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
Cynthia Pegullo	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Francine Pennisi	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO



Verdict Form

Answer Question 4 only if the answer for any claimant in Question 3 is YES.

Question 4. If you find by a preponderance of the evidence for any claimant that defendants have proven that defendants would have taken the same adverse action in the absence of a discriminatory motive, the amount of damages is \$0. How much should each of the following claimants be awarded for the disparate treatment they experienced? A claimant may not recover more than once for any damages she may have suffered for the same injury.

	<u>Compensatory Damages</u>	<u>Punitive Damages</u>
Sandra Benedict	\$ <u>0</u>	\$ <u>0</u>
Danielle Diaz	\$ <u>0</u>	\$ <u>0</u>
Jennifer Honohan	\$ <u>0</u>	\$ <u>0</u>
Karen Josey	\$ <u>0</u>	\$ <u>0</u>
Elizabeth Ontaneda	\$ <u>0</u>	\$ <u>0</u>
Faith Pabon	\$ <u>440,000.00</u>	\$ <u>250,000.00</u>
Cynthia Pegullo	\$ <u>0</u>	\$ <u>0</u>
Francine Pennisi	\$ <u>0</u>	\$ <u>0</u>

Verdict Form

**C. Additional Disparate Treatment (Elizabeth Ontaneda)**

Question 5. Do you unanimously find that plaintiffs have proven by a preponderance of the evidence that defendants UHP/CCG subjected Elizabeth Ontaneda to an adverse employment action other than termination that was motivated, at least in part, by Ms. Ontaneda's rejection of defendants' religious practices?

     YES

  /   NO

**Answer Question 6 only if the answer to Question 5 is YES.**

Question 6. If you find by a preponderance of the evidence for any claimant that defendants have proven that defendants would have taken the same adverse action in the absence of a discriminatory motive, the amount of damages is \$0. How much should Elizabeth Ontaneda be awarded for the disparate treatment she experienced? A claimant may not recover more than once for any damages she may have suffered for the same injury.

Compensatory  
Damages

Punitive  
Damages

Elizabeth  
Ontaneda

\$     0    

\$     0    



Verdict Form

D. Additional Disparate Treatment (Francine Pennisi)

Question 7. Do you unanimously find that plaintiffs have proven by a preponderance of the evidence that defendants UHP/CCG subjected Francine Pennisi to an adverse employment action other than termination, that was motivated, at least in part, by Ms. Pennisi's rejection of defendants' religious practices?

\_\_\_ YES                         NO

Answer Question 8 only if the answer to Question 7 is YES.

Question 8. If you find by a preponderance of the evidence for any claimant that defendants have proven that defendants would have taken the same adverse action in the absence of a discriminatory motive, the amount of damages is \$0. How much should Francine Pennisi be awarded for the disparate treatment she experienced? A claimant may not recover more than once for any damages she may have suffered for the same injury.

	<u>Compensatory</u> <u>Damages</u>	<u>Punitive</u> <u>Damages</u>
Francine Pennisi	\$ <u>  0  </u>	\$ <u>  0  </u>



Verdict Form

Question 9. Do you unanimously find that plaintiffs have proven by a preponderance of the evidence that defendants UHP/CCG subject Francine Pennisi to an adverse employment action other than termination that was motivated, at least in part, by Ms. Pennisi's personal religious beliefs (Catholicism)?

     YES

  /   NO

Answer Question 10 only if the answer to Question 9 is YES.

Question 10. If you find by a preponderance of the evidence for any claimant that defendants have proven that defendants would have taken the same adverse action in the absence of a discriminatory motive, the amount of damages is \$0. How much should Francine Pennisi be awarded for the disparate treatment she experienced? A claimant may not recover more than once for any damages she may have suffered for the same injury.

	<u>Compensatory</u> <u>Damages</u>	<u>Punitive</u> <u>Damages</u>
Francine Pennisi	\$ <u>    0    </u>	\$ <u>    0    </u>





Verdict Form

Question 11. Do you unanimously find that plaintiffs have proven by a preponderance of the evidence that defendants UHP/CCG subjected Francine Pennisi to termination, that was motivated, at least in part, by Ms. Pennisi's personal religious beliefs (Catholicism)?

\_\_\_ YES

0 NO

**Answer Question 12 only if the answer to Question 11 is YES.**

Question 12. If you find by a preponderance of the evidence for any claimant that defendants have proven that defendants would have taken the same adverse action in the absence of a discriminatory motive, the amount of damages is \$0. How much should Francine Pennisi be awarded for the disparate treatment she experienced? A claimant may not recover more than once for any damages she may have suffered for the same injury.

	<u>Compensatory Damages</u>	<u>Punitive Damages</u>
Francine Pennisi	\$ <u>0</u>	\$ <u>0</u>





Verdict Form

**E. Retaliation (Francine Pennisi)**

Question 13. Do you unanimously find that plaintiffs have proven by a preponderance of the evidence that defendants UHP/CCG retaliated against Francine Pennisi for engaging in a protected activity?

     YES

  /   NO

**Answer Question 14 only if the answer to Question 13 is YES.**

Question 14. How much should Francine Pennisi be awarded in connection with the retaliation she experienced? A claimant may not recover more than once for any damages she may have suffered for the same injury.


Compensatory  
Damages

Punitive  
Damages

Francine Pennisi \$     0    

\$     0    

Dated:   4     25     2018    
(Month) (Date) (Year)

  
\_\_\_\_\_  
Jury Foreperson