

Verdict Copy

FILED  
CAUSE NO. DC-17-08139

2020 FEB 11 PM 2:55

MICHAEL GRIM and JIM MAYNARD § IN THE DISTRICT COURT OF

Plaintiffs,

vs.

CITY OF DENTON,

Defendant.

FELIX §  
DIST. CLERK §  
DALLAS CO., TEXAS §

*[Signature]* § DEPUTY

DALLAS COUNTY, TEXAS

68<sup>TH</sup> JUDICIAL DISTRICT

**CHARGE OF THE COURT**

**MEMBERS OF THE JURY:**

After the closing arguments, you will go to the jury room to decide the case, answer the questions that are attached, and reach a verdict. You may discuss the case with other jurors only when you are all together in the jury room.

Remember my previous instructions: Do not discuss the case with anyone else, either in person or by any other means. Do not do any independent investigation about the case or conduct any research. Do not look up any words in dictionaries or on the Internet. Do not post information about the case on the Internet. Do not share any special knowledge or experiences with the other jurors. Do not use your phone or any other electronic device during your deliberations for any reason.

[Any notes you have taken are for your own personal use. You may take your notes back into the jury room and consult them during deliberations, but do not show or read your notes to your fellow jurors during your deliberations. Your notes are not evidence. Each of you should rely on your independent recollection of the evidence and not be influenced by the fact that another juror has or has not taken notes.]

[You must leave your notes with the bailiff when you are not deliberating. The bailiff will give your notes to me promptly after collecting them from you. I will make sure your notes are kept in a safe, secure location and not disclosed to anyone. After you complete your deliberations, the bailiff will collect your notes. When you are released from jury duty, the bailiff will promptly destroy your notes so that nobody can read what you wrote.]

Here are the instructions for answering the questions.

- (1) Do not let bias, prejudice, or sympathy play any part in your decision.
- (2) Base your answers only on the evidence admitted in court and on the law that is in these instructions and questions. Do not consider or discuss any evidence that was not admitted in the courtroom.

(3) You are to make up your own minds about the facts. You are the sole judges of the credibility of the witnesses and the weight to give their testimony. But on matters of law, you must follow all of my instructions.

(4) If my instructions use a word in a way that is different from its ordinary meaning, use the meaning I give you, which will be a proper legal definition.

(5) All the questions and answers are important. No one should say that any question or answer is not important.

(6) Answer "yes" or "no" to all questions unless you are told otherwise. A "yes" answer must be based on a preponderance of the evidence. Whenever a question requires an answer other than "yes" or "no," your answer must be based on a preponderance of the evidence.

The term "preponderance of the evidence" means the greater weight of credible evidence presented in this case. If you do not find that a preponderance of the evidence supports a "yes" answer, then answer "no." A preponderance of the evidence is not measured by the number of witnesses or by the number of documents admitted in evidence. For a fact to be proved by a preponderance of the evidence, you must find that the fact is more likely true than not true.

A fact may be established by direct or by circumstantial evidence or both. A fact is established by direct evidence when proved by documentary evidence or by witnesses who saw the act done or heard the words spoken. A fact is established by circumstantial evidence when it may be fairly and reasonably inferred from other facts proved.

A party's conduct includes the conduct of its employees or of another who acts with the party's authority or apparent authority.

(7) Do not decide who you think should win before you answer the questions and then just answer the questions to match your decision. Answer each question carefully without considering who will win. Do not discuss or consider the effect your answers will have.

(8) Do not answer questions by drawing straws or by any method of chance.

(9) Some questions might ask you for a dollar amount. Do not agree in advance to decide on a dollar amount by adding up each juror's amount and then figuring the average.

(10) Do not trade your answers. For example, do not say, "I will answer this question your way if you answer another question my way."

(11) The answers to the questions must be based on the decision of at least ten of the twelve jurors. The same ten jurors must agree on every answer. Do not agree to be bound by a vote of anything less than ten jurors, even if it would be a majority.

As I have said before, if you do not follow these instructions, you will be guilty of juror misconduct, and I might have to order a new trial and start this process over again. This would waste your time and the parties' money, and would require the taxpayers of this county to pay for another trial. If a juror breaks any of these rules, tell that person to stop and report it to me immediately.

### QUESTION NO. 1

Was Michael Grim's report of an alleged violation of law made in good faith and a cause of the termination of Mr. Grim's employment?

The report was a cause of Mr. Grim's termination if it would not have occurred when it did but for the report being made. Mr. Grim does not have to prove the report was the sole cause of the termination. Rather, he must establish that he would not have been terminated had he not made a report of an alleged violation of law.

"Good faith," means that (1) Mr. Grim believed that the conduct reported was a violation of law and (2) his belief was reasonable in light of his training and experience.

Answer "Yes" or "No."

Answer: Yes

If you answered "Yes" to Question No. 1, then answer the following question. Otherwise, do not answer the following question.

**QUESTION NO. 2**

Would the City of Denton have taken the same action inquired about in Question No. 1 against Mr. Grim when it did based solely on information, observation, or evidence that is not related to the fact that Mr. Grim made a report of a violation of law?

Answer "Yes" or "No."

Answer:       No

### QUESTION NO. 3

Was Jim Maynard's report of an alleged violation of law made in good faith and a cause of the termination of Mr. Maynard's employment?

The report was a cause of Mr. Maynard's termination if it would not have occurred when it did but for the report being made. Mr. Maynard does not have to prove the report was the sole cause of the termination. Rather, he must establish that he would not have been terminated had he not made a report of an alleged violation of law.

"Good faith," means that (1) Mr. Maynard believed that the conduct reported was a violation of law and (2) his belief was reasonable in light of his training and experience.

Answer "Yes" or "No."

Answer: Yes

If you answered "Yes" to Question No. 3, then answer the following question. Otherwise, do not answer the following question.

**QUESTION NO. 4**

Would the City of Denton have taken the same action inquired about in Question No. 3 against Mr. Maynard when it did based solely on information, observation, or evidence that is not related to the fact that Mr. Maynard made a report of a violation of law?

Answer "Yes" or "No."

Answer:           No

If you answered "Yes" to Question No. 1, and "No" to Question No. 2, then answer the following questions. Otherwise, do not answer the following question.

### QUESTION NO. 5

Consider the following elements of damages, if any, and none other. You shall not award any sum of money on any element if you have otherwise, under some other element, awarded a sum of money for the same loss. That is, do not compensate twice for the same loss, if any.

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate Plaintiff Michael Grim for his damages, if any, that resulted from the termination of his employment?

Consider the following elements of damages, if any, and none other.

Do not include interest on any amount of damages you may find.

Do not include back pay or interest in calculating compensatory damages, if any.

Do not include in your answer any amount that you find Michael Grim could have avoided by the exercise of reasonable care in seeking other employment.

You are instructed that any monetary recovery for loss of earnings is subject to federal income taxes.

Answer in dollars and cents for damages, if any.

1. Lost wages during the period from termination until today.

Answer: \$ 326,559

2. Lost employee benefits other than loss of earnings.

"Benefits" include sick-leave pay, vacation pay, pension fund benefits, bonuses, monetary losses incurred as a result of the loss of health, life, dental, or similar insurance coverage.

Answer: \$ 107,812

3. Compensatory damages in the past, which include emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life and other noneconomic losses.

Answer: \$ 750,000



4. Compensatory damages in the future, which include economic losses, emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life and other noneconomic losses.

Answer: \$ 947,474

If you answered "Yes" to Question No. 3, and "No" to Question No. 4, then answer the following question~~s~~. Otherwise, do not answer the following question~~s~~.

### QUESTION NO. 6

Consider the following elements of damages, if any, and none other. You shall not award any sum of money on any element if you have otherwise, under some other element, awarded a sum of money for the same loss. That is, do not compensate twice for the same loss, if any.

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate Plaintiff Jim Maynard for his damages, if any, that resulted from the termination of his employment?

Consider the following elements of damages, if any, and none other.

Do not include interest on any amount of damages you may find.

Do not include back pay or interest in calculating compensatory damages, if any.

Do not include in your answer any amount that you find Jim Maynard could have avoided by the exercise of reasonable care in seeking other employment.

You are instructed that any monetary recovery for loss of earnings is subject to federal income taxes.

Answer in dollars and cents for damages, if any.

1. Lost wages during the period from termination until today.

Answer: \$ 5,081

2. Lost employee benefits other than loss of earnings.

"Benefits" include sick-leave pay, vacation pay, pension fund benefits, bonuses, monetary losses incurred as a result of the loss of health, life, dental, or similar insurance coverage.

Answer: \$ 44,964

3. Compensatory damages in the past, which include emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, and other noneconomic losses.

Answer: \$ 1,000,000

4. Compensatory damages in the future, which include economic losses, emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life and other noneconomic losses.

Answer: \$ 765,140

**Presiding Juror:**

(1) When you go into the jury room to answer the questions, the first thing you will need to do is to choose a presiding juror.

(2) The presiding juror has these duties:

- a. have the complete charge read aloud if it will be helpful to your deliberations;
- b. preside over your deliberations, meaning manage the discussions, and see that you follow these instructions;
- c. give written questions or comments to the bailiff, who will give them to the judge;
- d. write down the answers you agree on;
- e. get the signatures for the verdict certificate; and
- f. notify the bailiff that you have reached a verdict.

Do you understand the duties of the presiding juror? If you do not, please tell me now.

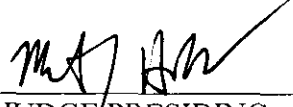
**Instructions for Signing the Verdict Certificate:**

(1) You may answer the questions on a vote of ten jurors. The same ten jurors must agree on every answer in the charge. This means you may not have one group of ten jurors agree on one answer and a different group of ten jurors agree on another answer.

(2) If ten jurors agree on every answer, those ten jurors sign the verdict. If eleven jurors agree on every answer, those eleven jurors sign the verdict. If all twelve of you agree on every answer, you are unanimous and only the presiding juror signs the verdict.

(3) All jurors should deliberate on every question. You may end up with all twelve of you agreeing on some answers, while only ten or eleven of you agree on other answers. But when you sign the verdict, only those ten or eleven who agree on every answer will sign the verdict.

Do you understand these instructions? If you do not, please tell me now.

  
\_\_\_\_\_  
JUDGE PRESIDING

## VERDICT CERTIFICATE

Check one:

       Our verdict is unanimous. All twelve of us have agreed to each and every answer. The presiding juror has signed the certificate for all twelve of us.

\_\_\_\_\_  
Signature of Presiding Juror

\_\_\_\_\_  
Printed Name of Presiding Juror

       Our verdict is not unanimous. Eleven of us have agreed to each and every answer and have signed the certificate below.

✓ Our verdict is not unanimous. Ten of us have agreed to each and every answer and have signed the certificate below.

Jurors' Signatures

1. [Signature]
2. [Signature]
3. [Signature]
4. [Signature]
5. [Signature]
6. [Signature]
7. [Signature]
8. [Signature]
9. [Signature]
10. [Signature]
11. \_\_\_\_\_

Jurors' Printed Names

1. Orlando Longoria
2. PETER GIOVANNI
3. Christwa Cone
4. Custina Palacios
5. JIA SU
6. Teresa Scott
7. Eleazar Vilgil
8. DANA PAPAGEORGE
9. L. Dale Parsons
10. Vickie PATT
11. \_\_\_\_\_