

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**F I L E D**  
Clerk of the Superior Court

OCT 31 2007

~~BY: ALUM~~  
N. Torres

Superior Court of the State of California  
County of San Diego, North County Division

SEAN RYAN,	)	CASE NO. GIN054512
	)	
Plaintiff,	)	<b>VERDICT</b>
	)	
v.	)	
	)	
VERIZON DIRECTORIES SALES-WEST,	)	
INC., now known as IDEARC MEDIA,	)	
	)	
Defendant.	)	

## VERDICT

We answer the questions submitted as follows:

### I. FAILURE TO PAY WAGES UPON DISCHARGE

1. Did the Defendant willfully fail to pay all the wages due to the Plaintiff by March 21, 2006?

Yes  No

If your answer to question 1 is yes then please answer question 2. If your answer was no then please proceed to question 4.

2. What was the Plaintiff's daily wage rate at the time his employment ended? \$245<sup>76</sup> per day.

Please answer question 3.

3. For how many calendar days following the Plaintiff's last day of employment did the Defendant fail to pay the full amount of the Plaintiff's wages? 30 days.

Please answer question 4.

### II. BREACH OF CONTRACT

4. Did the Plaintiff and the Defendant enter into a contract?

Yes  No

If your answer to question 4 was yes then please answer question 5. If your answer was no then please proceed to question 10.

5. Did the Plaintiff do all or substantially all of the significant things that the contract required him to do?

\_\_\_\_\_ Yes     No

If your answer to question 5 was yes then please answer question 6. If your answer was no then please proceed to question 10.

6. Did all of the conditions required by the contract for the Defendant's performance occur?

\_\_\_\_\_ Yes    \_\_\_\_\_ No

If your answer to question 6 was yes then please answer question 7. If your answer was no then please proceed to answer question 10.

7. Did the Defendant fail to do something that the contract required it to do?

\_\_\_\_\_ Yes    \_\_\_\_\_ No

If your answer to question 7 was yes then please answer question 8. If your answer was no then please proceed to question 10.

8. Was the Plaintiff harmed by the Defendant's failure?

\_\_\_\_\_ Yes    \_\_\_\_\_ No

If your answer to question 8 was yes then please answer question 9. If your answer was no then please proceed to question 10.

9. The amount of the Plaintiff's damages \$ \_\_\_\_\_. Do not include any amounts previously awarded for the same damages.

Please answer question 10.

### III. BREACH OF COVENANT OF GOOD FAITH AND FAIR DEALING

10. Did the Plaintiff and the Defendant enter into a contract?

Yes     No

If you answered question 10 yes then please answer question 11. If you answered no then please proceed to question 16.

11. Did the Plaintiff do all or substantially all of the significant things that the contract required him to do?

Yes     No

If you answered question 11 yes then please answer question 12. If you answered no then please proceed to question 16.

12. Did all of the conditions required by the contract for the Defendant's performance occur?

Yes     No

If you answered question 12 yes then please answer question 13. If you answered no then please proceed to question 16.

13. Did the Defendant unfairly interfere with the Plaintiff's right to receive the benefits of the contract?

Yes     No

If you answered question 13 yes then please answer question 14. If your answer was no then please proceed to answer question 16.

14. Was the Plaintiff harmed by the Defendant's failure?

Yes  No

If you answered question 14 yes then please answer question 15. If your answer was no then please proceed to answer question 16.

15. The amount of the Plaintiff's damages \$ \_\_\_\_\_. Do not include any amounts previously awarded for the same damages.

Please answer question 16.

#### IV. CONVERSION

16. Did the Plaintiff have an immediate right to possess the monies owed to him through his paycheck and commissions earned on sale?

Yes  No

If you answered question 16 yes then please answer question 17. If your answer was no then please proceed to answer question 22.

17. Did the Defendant intentionally retain possession of these monies owed to the Plaintiff?

Yes  No

If you answered question 17 yes then please answer question 18. If your answer was no then please proceed to answer question 22.

18. Did the Plaintiff consent?

Yes  No

If you answered question 18 no then please answer question 19. If your answer was yes then please proceed to answer question 22.

19. Was the Plaintiff harmed?

Yes  No

If you answered question 19 yes then please answer question 20. If your answer was no then please proceed to answer question 22.

20. Was the Defendant's conduct a substantial factor in causing the Plaintiff harm?

Yes  No

If you answered question 20 yes then please answer question 21. If your answer was no then please proceed to answer question 22.

21. The amount of the Plaintiff's damages \$ 464<sup>00</sup> (economic damages) and \$ 47,000<sup>00</sup> (non-economic damages). Do not include any amounts previously awarded for the same damages.

Please answer question 22.

## V. GENDER DISCRIMINATION

22. Was the Defendant an employer of the Plaintiff?

Yes  No

If you answered question 22 yes then please answer question 23. If your answer was no then sign and date below.

23. Was the Plaintiff an employee of the Defendant?

Yes  No

If you answered question 23 yes then please answer question 24. If your answer was no then sign and date below.

24. Did the Defendant discharge the Plaintiff?

Yes  No

If you answered question 24 yes then please answer question 25. If your answer was no then sign and date below.

25. Was the Plaintiff's gender a motivating reason for the discharge?

Yes  No

If you answered question 25 yes then please answer question 26. If your answer was no then sign and date below.

26. Was the Plaintiff harmed?

Yes  No

If you answered question 26 yes then please answer question 27. If your answer was no then sign and date below.

27. Was the discharge a substantial factor in causing the Plaintiff harm?

Yes  No

If you answered question 27 yes then please answer question 28. If your answer was no then sign and date below.

28. The amount of the Plaintiff's damages \$ \_\_\_\_\_ (economic damages) and \$ \_\_\_\_\_ (non-economic damages). Do not include any amounts previously awarded for the same damages.

Stop here, answer no further questions, and have the presiding juror sign and date this form.

Signed: Presiding Juror David Tiller David Tiller

Dated: 10-31-07

After all verdict forms have been signed, deliver this verdict form to the bailiff.