

FILED IN OPEN COURT
11-18-04
CLERK OF DISTRICT COURT
JACKSONVILLE, FLORIDA

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

ROBERT LARRY KIRKLAND,

Plaintiff

vs.

CASE NO.: 3:03-cv-530-J-25HTS

ATLANTIC MARINE, INC., and
ATLANTIC DRY DOCK CORP.,

Defendants.

_____ /

VERDICT FORM

Do you find from a preponderance of the evidence:

1. That the Plaintiff was employed and subsequently terminated or laid off by Defendants?

Answer Yes or No Yes

2. That the Plaintiff was not recalled by Defendants?

Answer Yes or No Yes

3. That the Plaintiff's age was a substantial or motivating factor that prompted Defendants to take the adverse action described in Questions 1 or 2?

Answer Yes or No Yes

[Note: If you answered Yes to either Question No.1 or 2, and to Question No. 3, then you should answer the following questions. Otherwise do not answer any more questions;

sign and date the verdict form.]

4. That the Plaintiff failed to mitigate his lost earnings?

Answer Yes or No No

[If your answer is YES, when calculating damages subtract the amount, that the Plaintiff *should have* earned by the time of trial, had he used reasonable efforts to obtain alternate comparable employment, from the amount of damages you award in Question No. 5.]

5. That the Plaintiff should be awarded damages to compensate for lost wages and benefits to the date of trial?

Answer Yes or No Yes

If your answer is Yes, in what amount? \$ 162,339.¹³₀₀

6. That the Plaintiff should be awarded damages to compensate for emotional pain and mental anguish?

Answer Yes or No Yes

If your answer is Yes, in what amount? \$ 300,000.⁰⁰

7. That the Plaintiff should be awarded damages to compensate for a net loss of wages and benefits in the future?

Answer Yes or No Yes

If your answer is Yes, in what amount, reduced to present value? \$ 150,000.⁰⁰

8. That Defendants "willfully" violated the law (as that term is defined in the Court's instructions)?

Answer Yes or No Yes

SO SAY WE ALL.
George Remond
Foreperson

DATED: 11/18/04