

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
WAL-MART STORES, INC.,)
)
Defendant.)

Case No. 4:08CV01439AGF

VERDICT

Note: Complete this form by writing in the names required by your verdict.

1. On the age discrimination claim of Plaintiff EEOC, as submitted in Instruction 9, we find in favor of:

_____ Defendant Wal-Mart Stores Inc
(Plaintiff EEOC) or (Defendant Wal-Mart Stores, Inc.)

Note: Complete the following paragraphs only if the above finding is in favor of the Plaintiff. If the above finding is in favor of the Defendant, have your foreperson sign and date this form because you have completed your deliberation on this claim.

2. We find Yvonne Loskot's lost wages and benefits to be:

\$ _____ (stating the amount or, if none, write the word "none").

3. Was the Defendant's conduct "willful" as that term is defined in Instruction 14 ?

Yes _____ No _____
(Place an "X" in the appropriate space.)

Norman B. Kestner Jr.
Foreperson

Dated: 04/07/10

INSTRUCTION NO. 9

Your verdict must be for the Plaintiff and against the Defendant on the Plaintiff's age discrimination claim if all of the following elements have been proved by the greater weight of the evidence:

First, the Defendant discharged Yvonne Loskot; and

Second, Yvonne Loskot's age was the "but for" cause of the Defendant's decision.

If any of the above elements has not been proved, your verdict must be for the Defendant.

While the second element does not require that age be the only reason for the decision made by the Defendant, age was the "but for" cause only if the Defendant would not have discharged Yvonne Loskot but for her age.